"Zion shall be redeemed with justice, and they that return of her with righteousness"
# Thanks

We must thank many different people who helped us print this magazine in English.

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For a number of months, there has been an ongoing public discussion about socio-economic subjects. At times it may be shallow or false, but nevertheless, there is widespread interest and involvement in these issues. The discussion includes just about everyone: left wing and right wing, capitalists and socialists. Only one voice is missing: that of the religious public. The situation cries out: during this time extremely important issues, issues regarding the human and Jewish character of the state of Israel are being decided, and the religious voice is silent! Where is the moral and social voice of the Jewish heritage? Is it possible that Judaism has nothing to contribute on such subjects as pension agreements, social conditions, workers rights, the attitude to strangers, poverty, and accessibility of public places to the disabled? There have been many ongoing social struggles in Israel over the past few years - struggles regarding disabled people, single mothers and pensioners. Not withstanding the sectorial element in these struggles, they express an honest attempt to raise moral and social issues, and to force society to choose between different values and to create its list of priorities. It seems that, within this attempt to discuss and choose between values, the point of view of the Torah is missing. Like many other people, we are distressed by the absence of the Torah's voice on such crucial matters. We have decided not to stand by, but to act.

The silence regarding public health issues, such as the items included in the basket of health services, and concerning social gaps, may not have occurred intentionally or out of malice. It may be the result of focusing on other issues, lack of awareness, or hesitance due to the complexity of the issue. This issue of Ma'aglei Tzedek, like the others that preceded it (in Hebrew), wishes to focus on social and economic issues, and to enrich Israeli public discourse through study of the Torah and Jewish heritage. It wishes to widen the scope of the subjects discussed by the religious community, and to create a reality in which synagogues and yeshivot also study social issues.

Our Torah is a "Torah of Life." This means that the Torah not only deals with mitzvot between man and G-d, such as kashrut and Shabbat, tefillin and prayer, but also with the rights and obligations of man to his fellow man: social justice, attitude to foreign workers, attitude to the orphan, widow and foreigner, beaten women and domestic violence, minimum wages, manpower companies, employer-employee relationships, social gaps, and even the stand of the Torah regarding the suffering of animals.

We wish to rekindle these subjects, which have been pushed aside by our community. We believe that, if the religious community is to continue to be an integral part of the broader public society, and to be relevant to the daily life of the Jewish state and its citizens, and not only to its own narrow sector, it must act for real social change. If we wish to be a dominant element in shaping Israeli society and in determining its behavioral norms and value priorities, we must expand our field of moral studies, and try to be true representatives of the Torah in a variety of principles and values.

Of course, this is not only a tactical move regarding the place of religious society in the general public. First and foremost this is an obligation on all of us to act according to values of truth, justice and morality as defined in the Torah.

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The religious community is full of good deeds and acts of chesed (charity). While it is difficult to estimate the exact proportions of these activities, there are many people and organizations that distribute food and clothing, visit the elderly and the disabled. By comparison, in organizations involved in aiding employees and defending their rights (for example, helping workers who aren't paid or cashiers who are forced to stand for eight-hour-long shifts), there are few, if any, religious people. Those organizations which try to assist the poor to leave the cycle of poverty, provide them with legal aid, or fight for rights and justice, lack the voice of the Torah.

Through the present issue of this newsletter, together with the other activities of Ma'aglei Tzedek, we wish to offer some response to the needs and challenges ahead. It is crucial that every citizen has an opinion, not only on matters of Middle East peace and security, but also
on economic and social matters. Economy is mostly a question of priorities. It is primarily an ethical and moral issue, and only thereafter a matter of numbers and graphs. Just as a person doesn’t need to be an army general in order to hold an opinion regarding political questions, he needn’t be a great economist to discuss socio-economic subjects. All we need to do is to open our hearts, our ears and our eyes, to be sensitive and involved. These words are written with the deep conviction that words of the Rabbis and of Jewish communities can have a great influence on these subjects, and that our Torah is a Torah of life.

Eighteen months have passed since we published the first issue of Ma’aglei Tzedek in Hebrew. During the course of this year and a half we have acted vigorously to bring the religious-Jewish-Israeli voice on a variety of social subjects. We organized three big conferences with thousands of participants, two on 17th of Tamuz and one on 10th of Tevet. We held meetings between Rabbis, social activists and economists so as to reach a deeper understanding of economic subjects relevant to all of us. We also organized a conference on the trafficking in women, with Rabbis and professionals who condemned the phenomenon. But our main activity was the “social seal” project, which is described at length on page 21.

During our activities we came upon a keen interest within the Anglo-Saxon community, both in Israel and abroad, to hear about and study these subjects. Consequently we have translated some articles from the Hebrew editions of Ma’aglei Tzedek. Amongst them are Rabbi Gisser’s article on ‘Social Kashrut’ (p.14), the article which launched the social Seal project, discussing a wider concept of kashrut than that in use today; Rabbi Beck discussing the halakhic attitude to urgent social questions, on p 8; Rabbi Sherlo and Rabbi Ariel presenting another aspect of these questions, on p 23; and finally the subject is the horrendous phenomenon of women trafficking, presented by Dr. Aviad Hacohen, who examines it from the point of view of Jewish law.

We hope and pray that this first English issue will be a first step towards wider activity and discussion of these subjects in English as well.

We believe we have the power to change and to act, as the saying of Hilel Hazaken ‘If not now—then when?’

Pleasant reading.
The Editorial Board

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**About Ma’aglei Tzedek**

Ma’aglei Tzedek was established in 2004 (5764) by a core of religious social activists from Jerusalem. We started this organization out of the belief that the Torah is “Torat Chaim” - the Torah of life, addressing all aspects of life. We believe that the Torah have a unique perspective and a particular insight that are essential to advancing the conversation regarding the social economic policy of the State of Israel as well as to furthering the discussion determining national priorities and values. Due to the fact that we live in a sovereign Jewish state. Our mission is to deal with the founding principals of the social elements, and not only in kindness, and charity, chesed and tzedaka.

Therefore we want to mobilize and bring our heritage assets to the table in order to enrich and inform the discussion both in the political arena, as well as within the society.

**Ma’aglei Tzedek is active in a number of fields:**

1. Publishing a journal seeking to foster religious-halachik dialogue regarding society and economy.
2. Creating a forum of rabbis and social activists that initiated, among other things, a "social seal" – testifying compliance with social justice standards, which is offered to any business owner complying with its standards.
3. Researching and collecting material - including articles and responsa literature about our topics – to create a resource bank, as well as writing lesson plans to be used in schools and publishing the material in a book.
4. Initiating and organizing conferences, days of study and shabbatonim to educate the public about Judaism and society.

Ma’aglei Tzedek defines its main goal as acting to affect a change in the current social situation and to invite the leadership of the State as well as the general public to take a stand and be part of this positive progress.
An Introduction to Questions of Social Justice in Halacha

The Hebrew prophets repeated and emphasized countless times the great significance of the issues of tzedek and chesed. They regarded acts of justice and love of charity as the foundations of the Torah, and declared “Zion shall be redeemed with justice, and they that return of her with righteousness” (Isaiah 1:27). In addition, they also taught that there is a connection between the concepts. G-d does not desire our sacrifices if they are not preceded by social concern and care for the weak and poor. This idea is not an invention of the Prophets, as some new theorists claim, and in doing so separate the Torah (chumash) from the writings of the Prophets.

We are discussing a fundamental structure expressed in the Torah. Indeed, the giving of the Torah at Sinai and Parashat Mishpatim—which deal largely with social concerns—come before building the Mishkan and the Temple. Also Deuteronomy, the book describing the Entering of the Land, mainly discusses these same questions, while building the Temple and bringing sacrifices can wait until G-d reveals his chosen location. Moses himself teaches in Deuteronomy, that only after the land is inherited and there is peace can the Temple be built. An inseparable part of this inheritance and peace is a complete realization of the ideals in Deuteronomy, dealing primarily with commandments relating to Jewish society.

Many Midrashim, following the words of the Prophets, present social justice as the highest value. The literary (or legendary) material in the Talmud (Agadot) always place the acts of charity, kindness, justice, and peace as a foundation of the Torah, and tell many stories about rabbis who acted as though these acts were an integral part of Jewish law.

Especially because of this prominence in the Midrash, the relatively low value actual halacha (Jewish law) places on these values seems odd. First, many topics did not make it at all into the Jewish codes of law. In the ‘Shulchan Aruch’ we do not find laws regarding slander, libel, lying, flattery, decency, concern for the unfortunate (excluding a few laws about charity) or many other areas concerning Judaism’s social values.

Second, Rabbi Meir Simcha, in his book the ‘Meshech Chochma’ emphasized how from a perspective of sanctions, the most severe punishments are served not for interpersonal mitzvot, but rather for mitzvot between G-d and man, and the courts of law do not deal at all with some essential social issues. While the Prophets deemed gossip as one of the worst sins, in halacha it is merely a ‘prohibition which does not involve an act’, concerning which Jewish courts are not involved. Disputes and rifts are the most destructive, so much so that the Midrash explains Hosea’s words, “Ephraim is attached to idols; let him be,” (4:17) meaning that even if Israel is worshipping idols, if they are united (“attached”), G-d will let them be. In halacha, however, this is given almost no significance, except a few matters of limited scope connected to the verse “Do not cut yourselves” - “Lo Titgededu” (Deuteronomy 14:1) interpreted to mean you shall not divide yourself up into many groups.

Third, and perhaps most surprising, an in-depth examination of halachic literature reveals, that when the areas of interpersonal mitzvot and mitzvot of ‘man and G-d’ conflict, social concerns, the former group, are generally given the lower priority. For example, suppose a car alarm goes off on Shabbat and wakes up the neighbors and the only way to silence it is to desecrate the Shabbat. Has it ever occurred to a Jewish legal scholar, to permit turning off the alarm because of the major disturbance it causes the neighbors? Another paradigmatic example: Would any rabbi allow a person to skip the afternoon prayer if he was running late for a meeting in order to avoid wasting the other person’s time? It seems the second question is the real test of the relative importance of different areas of the Torah because this test does not deal with a declarative or fundamental dimension, but rather a practical one.

Its importance stems from two sources.

First, at the heart of the matter, halacha is the fundamental designer of the Jewish faith and the instrument of expression of its foundations. “It is both possible and necessary to rely on the original Jewish halacha. It was separated from the external world and was not significantly influenced by outside forces. The people who interpreted halacha were a unique group, therefore Jewish conception of the world was most fully and clearly expressed through halacha.” (Rav Soloveitchik – ‘The Man and His World’, p.20)

Rabbi Yuval Sherlo
Translated by Peter Ganong & Ben Bokser

Rabbi Sherlo, Head of the Yeshivat Hesder in Petah Tikva, and one of the leaders of ‘Tzohar’
Second, the intellectual principle determining that the status of different spiritual principles is tested when they oppose other values. By means of the halacha, we can investigate which value prevails, and in light of this examination, organize the true structure of the Torah. If issues between people are always pushed aside by ‘man and G-d’ mitzvot, this will teach us about the relative consideration given to how one treats one’s fellow, and the status afforded to social issues.

This gap, between the intellectual significance and the practical halakhic significance, requires great thought, and a separate discussion. I hope, G-d willing, to discuss this matter in an organized fashion in the future. Here I offer but one of the reasons for this difference. Understanding this reason is not intended to give a complete answer but rather to encourage a search for more explanations, and later, also possible solutions. What, therefore, is one of the reasons for the disparity between the fundamental position of social justice and its relatively low halakhic significance and what can be done to close this gap?

The assumption that the best way to examine different issues is their halakhic importance is not exact. Several years ago Rav Amital wrote an article titled “Not everything is about halacha!” In this vein, he continued a longstanding tradition which placed halacha as a foundation of Torah but not as the only foundation. The Midrash, authors of Musar, and Chassidic masters emphasized countless times that halacha was but one aspect of the whole. Therefore, our obligation before the Creator is not exclusively halacha, but rather much wider.

However, also in light of this principle one needs to ask why are issues between man and his fellow not found in the halakhic structure? Even after taking into account that “not everything is about halacha,” no one questions the fact that halacha is the spine of the mitzvot, and therefore the question intensifies. Why are the mitzvot between man and G-d described at such length and in such detail, while in the realm of the social mitzvot, only a small fraction is considered within the Jewish courts of law and the halacha (laws of damages, neighbors, commerce, etc.) and other wide areas are not covered?

One of the reasons suggested is the fact that in reality it is almost impossible to use halakhic language to deal with these areas. The halakhic language is one of law, in which all the main elements enter a normative framework. Matters between man and G-d are much easier to express in a halakhic manner, as they deal with an objective system in which one stands in awe and devotion in front of his Maker. Although people are subjective and act with different intentions from each other, these laws relate to G-d, who is all-encompassing and infinite, and therefore it is possible to determine the way He wishes to be worshipped objectively. However, when we are dealing with matters between people, it is more complicated. There are always conflicting values that cannot be determined in an objective way. For example, one value in human relationships is “You shall avoid misleading speech” (Leviticus 19:11), yet this value conflicts with the obligation to have peaceful relationships and to even sometimes tell white lies for this goal, and it is impossible to determine how one should decide between these two values in every situation. Moreover, each person will find his or her own balance between these two values. Thus, when the Ben Ish-Chai was asked to formulate to his students the exact balance between these values, he said it was only possible to relate precedents: “The creation of methods to permit a white lie is not something I can do, but I will bring you those methods described in the Talmud, and you may learn from them, with G-d’s help” (Torah Lishma Responsa, 364).

One of the clear consequences of the lack of codification of interpersonal matters is the need to turn to other, non-halakhic expressions of such matters. Hence responsa written in these matters have always used the expression “Things which are dependant upon a person’s own conscience.” This expression teaches us about the inability of these matters to be analyzed simply through halakha, and that it is necessary to look at human intention. The Ben Ish-Chai similarly concluded his responsa: “…I have set for you a table full of many instances in which the Sages permitted untruth and deception, and you shall be very careful in seeking to understand them, and shall understand one thing from the other. But beware and let fear of G-d be upon you lest you stray from the way…”

The above is also appropriate in relation to the prohibition of lashon hara, gossip. The laws of gossip themselves are clear, yet they always conflict with the values of preventing harm to others and avoiding untruth. This conflict requires attentiveness to the subjective factors of purpose and intent. For good reason Rabbi Yisrael Hacohen of Radin z”l, author of ‘Chaletz Chaim’,

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It is possible to produce an opposite phenomenon, one in which we try to express the obligations in such subjective areas, knowing that they are among the most important areas of our religion. As such a phenomenon develops, social sensitivities become significant even when in conflict with other values.

Our covenant is based, we are disregarding G-d’s will. Moreover, in avoiding halakhic discussion of these issues, we abstain from the improvement of the world and passively contribute to its destruction.

Second, values that are not explicitly legislated by halakha will not be seen by us as important or put into action. There are many examples of how the shortage of social legislation in halakha affects our lives. We do not feel a religious obligation to respect the rights of foreign workers or an obligation of public decency. Since the halakha does not deal with these issues, we feel lost in relating to them. The unjust situation of agunot and mesurvet get, women who, because of their situation, are unable to acquire a divorce, is afforded limited attention because the halakhot of being attentive to people in distress are less detailed than those describing the requirements for a proper divorce certificate. A synagogue will pride itself on the quality of its prayers and the quantity of Torah lessons more than its accessibility to the disabled, as accessibility to persons with disabilities is not detailed in the halakha.

Awareness of this phenomenon and its causes is very significant. It will lead to an increase in devotion to G-d’s will, as social sensitivities, at least when they do not conflict with other values, will be seen as an essential component of our worship of G-d.

The fact that these issues are very subjective can lead to two outcomes. One is their dissipation, just like other issues that were never clearly spelled out (like the New Moon for example). It is also possible to produce an opposite phenomenon, one in which we try to express the obligations in such subjective areas, knowing that they are among the most important areas of our religion. As such a trend develops, social sensitivities become significant even when in conflict with other values. We even find halakhic commentaries and works of mussar, and even more so works of aggada, that relate to these values as part of the halakhic deliberation.

If we can only build on this sensitivity, we can help create a more just world. We will also be presenting a Judaism that is easier for those less religious to approach, and this will lead to an increase in holiness, modesty, and faith.
Relating Halakha to Social Issues: A Solution, or an Alternative Worldview?

The search for halakha’s relationship to the socio-economic reality and its needs has increased significantly of late. The connection between the Torah’s philosophy and Western society is being studied in several places. These studies relate mostly to the particular link between the State of Israel and Jewish law. Varied research is being conducted on every socially or economically based commandment, in order to find within the scope of halakha a cure for the poor health of Israeli society. These studies are mostly arranged as part of a movement to find a magical formula in the Torah and its laws that will cure the difficult problems that society faces in its present reality. What we ask is: How does the Torah suggest we deal with the problems we have encountered? What solution does halakha give to the social and economic issues in which we are immersed?

In the following article we will attempt to show that posing the question in this way is deficient, and that it flows from an incorrect understanding of halakha’s principles. As we understand it, the halakhic world does not exist to solve our social problems, but rather to present an alternative worldview in which those problems would not even appear. We are not Prophets, nor can we suggest a plan to solve all of the world’s social issues. All we ask is to propose a path with the goal of increased research and a more intensive expansion of the halakhic world. This will be our small contribution to the imperative involvement in the issues at hand.

1 The main problem with present socio-halakhic study is that it ignores the double meaning of the halakhic world. One of the wonderful qualities of the Oral law is its ability to adapt to the different situations in which the Israeli nation exists. Often we need to differentiate between two different realities, "Exile" and "Redemption". Our national ideal is to have the majority of our people living in an autonomous Jewish state (with a decisive Jewish majority) in which we can implement all of our laws. However, with the nation in exile, these conditions are missing, and another way of life is forced upon us. The Torah and its commandments are intended to guide the nation in both these situations, which are different in many ways. It is clear that the instruction that is required in the ideal situation is very different from that which is required in an imperfect reality. Because these two ways of instruction are so different from each other, it is almost as if there are two Torahs, "The Torah of Exile" and "The Torah of Redemption". Clearly we are not hinting at a change in values or at an appearance of "new Torahs", rather, we are suggesting two separate spheres of the Torah, and two applications of the ideological, halakhic viewpoint to reality.

The supposed "Torah of Exile" deals with the instruction of individuals. The essence of its topics is shaping a person’s private life, namely, its expansion and enrichment. The social contexts discussed in this Torah deal mostly with interpersonal relationships, the transactions between man and his fellows. For example, the mitzva of charity focuses on the relationship between only two people, the "rich" giver, and the "poor" who receives. This mitzva emphasizes the significance of the commandment as it relates to one person benefiting his peer (vis-a-vis his reward, the development of the trait of generosity, and so on). In this Torah there is no real involvement in the commandment's communal meaning, which would relate to the lower classes of society as a whole. It is clear then, that this Torah is a
personal one. It is directed towards individual growth and personal relationships, rather than to development of society as a whole.

In contrast, the "Torah of Redemption" is supposed to institute life norms within the general society of Israel. This Torah aims to create a means to build the entire nation, and its commandments are understood in that framework. Thus, the mitzvot take on a national aspect, and in our context, they will deal with the organization of society and in its design from a social and economic standpoint.

The essential problem is that even though these ideas are well known and have been publicized (mostly from the writings of Rav Kook), Jewish people tend to ignore the change in outlook that these ideas demand. Let us emphasize: we do not mean to change halakha or to "update" it (an initiative that arises once in a while in different circumstances-including ours- because of the mistaken understanding of the ideas mentioned above), but rather to change our grasp and understanding of the existing halakhic principles. The mistaken understanding of halakha is strengthened when we search for halakhic solutions from the "Torah of Exile" to problems that exist in the context of the State of Israel (the "Redemption").

The socio-economic position in which the State of Israel presently exists is the outcome of an intricate process that has transpired for over fifty years. In that time many dramatic changes have taken place with respect to the social structure. We will not go into a deep analysis of the changes; in short, the present reality is extremely difficult: our society suffers from challenging social and economic problems which are constantly increasing. The desire to find a solution to these problems has existed for as long as the state itself. Recently, people from the Religious Zionist sector of society have started to suggest answers. The principal search is a pursuit of an instant solution: How can we "get out of the mud?"

In regard to religious issues, the question - as stated above - is this: What course does halakha suggest as a solution to the social and economic problems we have encountered?

Many studies are conducted in order to find this desired solution in the field of halakha. More than once it seems that this dependence on halakha to solve such issues stems from despair more than anything else. We are searching for a higher source for values of righteousness and truth. Indeed, it is our duty to pause and ask the following question: Do solutions to our current problems actually exist within the world of halakha?

Does halakha truly relate to the present distress? Furthermore, can we really find, in Torah and its commandments, a solution to the problems and difficulties which we ourselves have created?!

Rav Kook called our era the "Era of Transition." In truth, Rav Kook was not referring to our topic of discussion, nevertheless it seems that his words are accurate in reference to our issue. The reality of our lives, the autonomous reality, has changed very much from the reality of the Diaspora. Our national life within an independent state, a state possessing unique social and economic characteristics, demands expanding our views from personal to social domains. It is our duty to deal with the makeup of an entire society. Our social and economic existence mandates us to subject ourselves to a broader examination of our problems and to finding solutions on a national level. It seems this change transpired only in our "secular" philosophy; in our "holy" status, regarding our halakhic viewpoint, we have still remained within the framework of the "Torah of Exile."

As mentioned above, the Torah is appropriate for two different national situations: Exile and Redemption. Therefore, it is logical that our search for a socio-economic system within the Torah be in the "Torah of Redemption." This search demands, first of all, that we define the philosophy of the Torah as it relates to how we construct a correct and pragmatic society. The question is not, "How can the Torah correct the problems we have encountered in our current society?" rather, "What is the correct social structure according to the Torah, where those problems will not even arise?" For some reason there has never been a study of how to build a correct socio-economic society according to the Torah.
The current socio-economic outlook of the state of Israel is not based on halakha. Western philosophies have designed our society, and those philosophies have also created our present problems. Now, we are asking the Torah to solve our problems, all the while not changing our societal outlook that has caused them. It is as if we are asking the spring to purify us while still holding the impure insect...

Our current view of the Torah as a sort of "problem-solver" that automatically suggests solutions whenever we should ask is a viewpoint that diminishes and derides Torah's qualities. Indeed we are asking the Torah to fix problems according to a foreign structure; doesn't the Torah have its own socio-economic philosophy?

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Let us present our intention by giving an example of one incorrect view of the nature of halakha in regard to one specific mitzva:

At present, many commandments are understood by the religious Jew as complicated and perhaps even "problematic". In the commandments there is a certain kind of coerced divine involvement in practical life. Even if the intention of this involvement is positive - to sanctify and elevate man - in practice it becomes a barrier and obstacle to his everyday life.

In this manner, for example, the prohibition on interest creates a very serious problem in practice. The management of the state's economy, including the management of every individual's economics, is based on modern progressive principles that were created, expanded and applied to a non-halakhic state. The economic system that forms the basis of today's business world is based on principles that relate to and deal directly with interest. This is true regarding large companies and even regarding anybody with a bank account. Thus, when dealing with economy, we constantly encounter problems regarding the halakhic prohibition of interest. Even simple, common procedures involving bank accounts pose important halakhic questions. The case is such in regards to saving money, and also in regards to overdraft. In other words, the halakhot of interest create a problem for the modern man who wants to be part of the state's economic life.

Indeed, it is possible to find a solution to every problem. The problem of interest also has a solution, the Heter Iska (permission to do business). This license allows every religious Jew into the economic world with a clean conscience. The Heter Iska document is found in most bank branches, and in the eyes of the religious Jew, it removes the obstacle that halakha, in a way, puts before him and sets him free to do as he pleases.

Indeed, most people familiar with Heter Iska know that it is a very limited solution, and does not cover all areas of economic dealings. Most of the halakhic "problems" connected to interest still exist, even though most of the religious community does not know about them. Even in the areas where Heter Iska is a solution, the issue is not simple at all in a halakhic sense. Many rabbis doubt whether this solution works at all. Many others place several conditions on the transactions that are not known at all throughout the community.

In truth, beyond pure halakhic problems, we see here an example characteristic of the problems involved in the concept of the world of the mitzvot for the public. Economic life, which is a part of general social life, is constantly caught in halakhic problems relating to individuals. The Torah prohibits two people- Reuven and Shimon- to make a business deal with interest, but this situation is unfortunately too common in our economic world. Because of this, the accepted approach is to "solve" halakhic difficulties in order to permit the state to function comfortably without the "annoyance" of halakha.

This concept becomes almost paradoxical and
ridiculous. The knowledgable religious man, when asked what he desires from the state’s economic world, will reply, "Every bank should have documents of Heter Iska and apply the halakhic solutions that avoid the problem of interest." In a more poetic manner he might say, "I wish that the words 'According to Heter Iska' be written at the top of every form." (Some rabbis do indeed write this at the top of every bank form, including on every check). In other words, the man is saying, "I wish that the state should be exempt from this bothersome halakhic obstacle."

A more general view poses the halakhot of interest in a very different light. According to this view, interest should not be seen as an issue between two individuals, but rather as part of a model for a larger society built on a different economical outlook. Interest should not be seen as a problem to be solved, but rather as a building block for a system of values for the economy of the state. The laws of interest should not "masquerade" in the existing economical system, but rather should build an alternative one.

As said before, the laws of interest are not grasped in this way, and the concept is not understood as an alternative economical system. Perhaps the reason for this is that until recently, these laws were only used and studied in the interpersonal sense, and not in the greater national sense. Now that we have left the "Torah of Exile", we are trying to discover the greater societal implication of the commandments, as presented in the "Torah of the Redemption." This demands us to examine every law from scratch. It is our duty to examine the laws of interest in a completely different light, so as to use them to understand the economic philosphy of the Torah regarding the nation as a whole.

The task is hard. It is our duty to translate the halakhot of interest as found in the Talmud and poskim from terms relating to the individual to general principles. Because we are the first to attempt this, the work will not be easy. In truth, it is an important and necessary step in the construction of our national life. This is a calling for Torah scholars, economists, and researchers to work together in order to present a new way of looking at the world and at the principles of halakha, and to discover how to design an ideal society based on Torah principles.

The discussion on the laws of interest needs to be an opening to contemplation about a new socio-economy. We must study many more commandments relating to the organization of society as a whole, even if they are far from the reality for which the commandments were originally intended. Jewish society is divided into three different classes: Kohanim, Levi'im, and Yisraelim. This system is far removed from the accepted norm, and is based on a unique economic structure. In this context we must study and discuss additional mitzvot, such as: the twenty-four priestly offerings (connected, of course, to the laws of sacrifices), the laws of donations and dedications, the Levi'im's ownership of courtyards and exclusive cities, and so forth. From this we go to the system of laws relating to the sabbatical and jubilee years, which, in their general appearances, are a new and unique design of a commercial standard. In addition to all of these are the laws of slavery. (Does the fact that we have no "slaves" in the word's primitive meaning uproot the significance of the laws of slavery and turn them into something archaic and devoid of meaning in reference to us? Is there no place for us to redefine the socio-economic position of a "slave" as the concept is understood from the Torah and Oral law, and thus to find the implications that pertain to the class gaps in our current work market?). This, of course, is just a beginning.

As stated in the beginning of the article, we do not have an immediate solution to our current problems. The ideal reality that we suggested, in which society is managed according to the Torah and its values, is a long way off. From a halakhic point of view we are compelled to satisfy ourselves, for now, with temporary solutions, most of which are taken from the individually-oriented "Torah of Exile," and thus are destined to give only partial solutions to social difficulties. In truth, it seems that defining that ideal reality, by means of intensive study and the principles of Torah philosophy as relating to a new outlook on socio-economic issues in Israel, will bring us closer from an ideological standpoint. That will be the first step towards the application of a higher worldview that will come at its designated time.
Some of our activities

**Shabbat Mishpatim-Shabbat of Tzedek (Justice)**

On the Shabbat on which we read the Torah portion “Mishpatim”, which deals with the foundations of justice and law upon which a revitalized Jewish society should be built Ma’agalei Tzedek chose to confront issues of social justice.

- Activities on the issues of tzedek (Justice) and tzedaka (Charity) were prepared for various youth movements
- Lesson plans were written for teachers, educators and Yeshiva students on the issues of poverty and offensive employment
- These lesson plans and activities were sent to over 150 schools, 50 Yeshivot, 25 colleges, 15 Midrash schools and several youth movements (Bnei-Akiva, Ezra and the religious scouts) totaling about 80,000 members, all coordinated and assisted by the heads of movements and regional coordinators.
- "Tzohar" Rabbis in several communities addressed the topics in their synagogues.

From responses we received, it appears that the Shabbat was devoted to studying and discussing issues of social justice in more than a hundred places in Israel.

We consider “Shabbat Mishpatim” an important event in and of itself, raising consciousness for social-justice issues in Israel today. It is part of a learning process that impacts directly the Jewish-social values of the State of Israel, and we hope that it will continue to be an integral part of our activities.

We invite and encourage the public to utilize our materials that can be found in the library of Ma’agalei Tzedek.

**The Jerusalem Convention - A Socio-Economic Session**

On 30th March, 2005, 19 Adar B, a panel discussion on socio-economic issues in Israel was organized as part of the Jerusalem Convention.

The panel was organized by Ma’agalei Tzedek and included:

- Rabbi Ya’akov Ariel, Chief Rabbi of Ramat Gan

- Adv. Yuval Elbeshan, Director of the law clinics at the Hebrew University
- Prof. Ben-Zion Zilberfarb, former CEO of the Finance Ministry
- Mr. Haim Froylichman, former CEO of “Tfachot” Bank
- Mrs.Tali Shemesh, director of the film "White Gold Black Labor" (a film about contract workers at the Dead Sea Works)

The panel dealt with issues such as the benefits of stipends versus labor, and the characteristics of labor in the State of Israel.

**Our Internet Site- www.mtzedek.org.il**

The Internet site has been expanded and now offers an array of materials, activities and updates. It includes lesson plans, guidance materials and information about the “Social Seal” (including a list of places that have already been awarded the Seal). The site also has all our leaflets and articles published up until today, information and resources on the topic of women trafficking, as well as information and updates on the different events and activities.

**Lectures and Gatherings**

In the past few months, members of the organization have given lectures and talks to the general public, held in educational institutions, youth movements, seminars and in forums of principals and teachers.

In the past few months over a hundred gatherings were held and many more are planned for the coming weeks. Topics include issues of justice and charity, the state’s responsibility versus the responsibility of the individual, social problems in the State of Israel, the activities of Ma’agalei Tzedek, the “Social Seal”, and the possibility for every individual to take part in shaping the Jewish and moral features of the State of Israel.

As a result of these gatherings, hundreds of people have joined the organization’s expanding cycle of activities.

**Women Trafficking Congress**

On March 1, 2005 (21 Adar A) Ma’aglei Tzedek held a conference about women trafficking in Israel. Its goal was to provide a religious-Jewish voice on
this subject, as well to learn about the complexity of the problem and its implications for Israeli society as a whole. The congress was organized by Rabbis and representatives of human rights organizations coordinating the campaign in the field.

The conference was a great success. Hundreds of people, teenagers and adults, religious and secular, crowded the hall.

All agreed that religious society cannot remain indifferent to this horrendous phenomenon occurring so close to home, even if, as a social sector, we have little, if any, connection to the actual abuse. We must invest effort in education and public awareness to abolish all human trafficking.

The Education System Social Seal

Like the social seal described at length in this issue, we are also working on a similar seal for schools and yeshivot, intended for students and staff in the various institutions, making them responsible for assuring there is no employee abuse in their institutions. This idea was presented to us by a teacher who discovered that the woman cleaning the classroom he uses to educate children of the importance of honesty and justice is paid less than minimum wages and is often fined without cause. We call educators to check carefully if their “hands have not spilled this blood”, and if all those around them - cleaners, security guards etc. - are treated fairly and honestly. For details: 052-4317077.

Beit Midrash - Judaism and Society

In the first week of Heshvan, Bemaagalei Tzedek with Beit Morasha seminary, opens a Beit Midrash that will engage in society and Judaism.

In the Beit Midrash, delegates from Yeshivas from all over Israel, will be guided by Rabbis and professionals.

A group of Rabbis, have been involved and have worked to establish this project, among them: Rabbi Shay Piron, Rabbi Benny Law, Rabbi Yehuda Brandise, Rabbi Yehuda Zolden, Rabbi Azriel Ariel, Rabbi Avi Giser and Rabbi Ido Rechnitz.

This group of Rabbis conducted an internal seminar, in which lectures and talks were delivered, by the former general manager of the ministry of finance, Mr. Shmuel Slavin, attorney Yuval Elbashan and Dr. Nerry Horvitz.

The Beit Midrash, aims to develop and produce learning materials that will be distributed among Batei Midrash and institutions around the country.
Rabbi Avi GisserTranslated by Peter Ganong

Social Kashrut

In the mid-nineteenth century, during a period of spiritual and social crisis, Rabbi Israel Salanter, saw the pursuit of narrow personal concerns and the erosion of social values as the source of all troubles. In response, he founded a Jewish movement that was devoted exclusively to social and ethical improvement through personal development. This is the famed “Mussar” (ethics) movement, which still shines today in the constellation of Judaism.

On the fiftieth anniversary of Rabbi Salanter’s death, Rav Kook described the personality and vision of the founder of the Mussar movement, who devoted his life to developing a cure for the spiritual afflictions of all levels of society. Rabbi Salanter observed how avoidance of self-criticism was causing a dangerous sickness in society as a whole. “People are so involved with their daily material lives and their intellectual pursuits that they do not invest any effort in finding themselves in the chaotic storm of life. As a result, the pure sense of awe of G-d is distanced from their hearts. This lack of awe, in turn, causes the deterioration of all personal characteristics and actions, impoverishes the next generation, and endangers the status of the Torah and true Judaism in society. What this generation needs to know, especially now, is that through Mussar and its flame, which elevates the soul, great prominence should be given to social justice, and importance ascribed to the responsibilities and commandments between one person and another. There is no basis for awe of G-d or for purity of behavior without them. The profound contemplation of fear of G-d intensifies social justice and establishes it in the world. Rabbi Salanter insisted on this connection with all his saintly vigor. Many stories, from different times in his life, demonstrate this truth, and could serve as the basis for a long and comprehensive book. May his memory be that of a righteous person forever.”

According to Rav Kook, what our generation needs, especially now, is to add fuel to the great flame of social justice that stems from a deep awe of G-d. Three anecdotes from the life of Rabbi Salanter demonstrate this. Once, Rabbi Salanter visited a new bakery in order to check its work practices and level of kashrut. He reviewed all the manufacturing procedures extensively and observed the intense labor and toil of the employees. At the end of Rabbi Salanter’s visit, the bakery owner proudly asked him, “What does the rabbi say?” He answered, “The Gentiles accuse us, G-d forbid, of using the blood of Christian children in matzah. While this is not the case, from what I have seen here, there is indeed a violation of the prohibition on blood in food. The blood of the workers is mixed with the matzah! I will not certify this bakery as kosher.”

In another case, Rabbi Salanter was asked what demands particular attention when baking matzah. He answered: “One must be scrupulous not to yell at the woman kneading the dough.” He was also quoted as saying, “It is prohibited to enhance your mitzvot at the expense of others.”

One day Rabbi Salanter was hosted by a rich man. When he performed the ritual hand-washing before the meal, he used a sparing amount of water. He was asked, “Doesn’t the Torah say it is praiseworthy to wash with a lot of water?” He answered, “I can only do that in my own home. Here, however, I must consider the needs of the servant who must carry the buckets of water.” When attending large dinners, Rabbi Salanter also hurried to finish eating quickly in consideration of the waiters and other workers, who had to wait until the end of the meal to go home.

“Justice, justice you shall pursue in order that you may live in and inherit the land” (Deuteronomy 16:20). The inheritance of the land, our existence in it, and our quality of life therein – as a society, state, and community – are unequivocally dependent on the degree of social justice in our community. In this verse, we see that there is an existential connection between our future as a state and the social, moral, and judicial norms of our society. The word tzedek, or justice, appears twice not only as a means of emphasis but also to teach us that the pursuit of justice itself must be just. What does this mean? In any given legal situation, justice has a price. The legal field is an arena in which special interests battle it out, as do people in positions of authority and power. The chances
of acquittal for an accused person who can hire a senior partner from a top law firm are far greater than those of a poor person. Similarly, organizations and representatives of the weak sectors of society are doomed to failure due to their lack of resources, their fragility, and difficulties in representation. The public defender's office and social welfare departments of the government are currently buckling under their workloads, in light of significant budget cuts that have been enacted. To pursue justice justly, we must establish a fair and equitable system. We must try to apply the rule that "the law for one coin is the law for one hundred coins" (Shulchan Aruch Hoshen Mishpat, 10:4) in reality, halacha lma'aseh. Moreover, we must be sensitive to the fact that one coin of a poor person is of greater value to its owner than one hundred coins of a rich person.

There is a famous story about a rabbi whose wife informed him that she was furious with their housemaid and planned to sue her in a Jewish court. The rabbi immediately ran to put on his jacket. Confused, his wife called to him, "I am able to make my own case in court!" He responded, "And who will advocate on behalf of the maid?"

This key principle appears in Parashat Mishpatim. After the Torah describes many laws and ordinances, it concludes with the laws regarding the poor (Exodus 22:21-22). Only after the Torah warns "You shall not afflict any widow or orphan" (Exodus 22:21), it threatens us with exceptionally harsh words: "If you afflict them in any way, and they cry to Me, I will surely hear their cry" (Exodus 22:22). The verse in Hebrew contains doubled language – aneh ta'aneh (afflict), tza'ak yitzak (cry out), shmo’a eshma (hear) – in order to strengthen and reinforce this prohibition. The text continues: "My wrath shall blaze forth, and I will kill you with the sword; and your wives shall be widows, and your children orphans" (Exodus 22:23). Here, the Torah goes out of its way to stress the severity of injustice and its consequences: because weak people do not have the voice or strength to fight for their rights and respond to their oppressors, G-d 'intervenes' on their behalf through the strict laws of the Torah.

Pursuing justice in a manner that is just, means establishing a society that is characterized not only by justice but also by compassion; not only by the letter of the law but also by the implicit spirit of the law. Our rabbis said: "Jerusalem was destroyed because the people of that time followed the laws of the Torah." The Talmud asked, "Is this not praiseworthy?" and answered itself: "No, it is not. Because the residents of Jerusalem limited their behavior and legal rulings to the explicit laws of the Torah and did not go beyond the letter of the law, the city was destroyed" (Bava Metzia 30b).

Beside the law itself, one must establish a system of tzedek, or justice, based on social morality, strengthening the weak, providing support and welfare, and guaranteeing a minimum level of existence. Attaining justice through justice means delivering services based upon a comprehensive and sensitive assessment of need, so that the weak will consistently have their needs met based upon justice rather than having their needs met occasionally as a result of benevolence and mercy.

Rabbi Eliyahu Chayim Meisel, one of the great rabbis of Poland, once went to the richest man in town on a snowy winter day in order to request a substantial sum of money for the poor of the town. He knocked on the door and asked the servant to call his employer. The rich man struggled out of his easy chair and came to the door lightly-dressed because it was so warm in his home. The rabbi started to speak with the potential benefactor and did not stop until the rich man's teeth started to chatter. Suffering from the cold, the rich man said, "Please come in rabbi and let's speak more." The rabbi answered, "It is preferable that we feel a bit of the cold outside so that you may better understand the needs of the poor."

The Talmudic maxim "We force people to refrain from acting like the residents of Sodom" (Bava Batra 12b) is another paradigm developed by our sages to strengthen social justice and human unity. This teaching is built upon the Jewish vision of the essential conflict between Sodom and Jerusalem. Jerusalem is a city of justice “that was filled with justice, where righteousness dwelt” (Isaiah 1:21). In the words of the prophet, “Zion shall be redeemed with justice, and those who return to her with righteousness” (Isaiah 1:27). In contrast stands the city of Sodom, where the residents were sinners who cared only about their own property and where poor people never crossed the threshold of homes to receive charity. Sodom was a kingdom of law in which everything was legal and everything was legislated. There were laws against guests, laws against travelers, laws against helping strangers, etc. All these laws were veiled with the flimsy
cover of rationalism and pseudo-justice. Sodom was a prosperous city-state. As we see in the book of Genesis, prior to the destruction of Sodom, Lot raised his eyes and saw “how well watered was the whole plain of Jordan” (Genesis 13:10) and consequently chose to live in Sodom. There is no doubt that Lot received citizenship owing to his great fortune and ability to prove his economic contribution to the city’s wealth. But Sodom did not tolerate “parasites” who lacked skills. Nor would it accept the poor, who sought to live off its wealth without giving something in return. The people of Sodom were not willing to permit even temporary visitors of that nature. The often-heard claim against Lot is, of course, from the legal arena – “He came here to sojourn, and already he acts as a ruler!” (Genesis 19:9). Lot was a dangerous law-breaker, and when he hosted guests he took the law into his own hands. Sodom was beaten in war with other local cities; all of its property was pillaged and its best people were captured.

In Genesis 14, we learn the principles of justice and ethics in society as taught by Abraham our forefather. “When Abraham heard that his brother [Lot] was taken captive” (Genesis 14:14), we are told that he feels committed to care for his kinsman, even though Lot had preferred to distance himself from Abraham because of irreconcilable cultural differences. As a result of this commitment, Abraham enters into war in order to redeem Lot from captivity and slavery. When Abraham returns as the victor, adorned with praise, property and slaves, he stands at the crossroads between Sodom and Jerusalem. Malkitzedek, the king of Jerusalem – the city of justice – goes out to greet Abraham and blesses him in the name of the “Exalted G-d, Creator of the heavens and the earth” (Genesis 14:19). This G-d, to whom everything in the world belongs, blesses Abraham with property that was earned in a just manner, in accordance with the laws of war. The king of Sodom also goes out to greet Abraham, and offers him a deal – people in exchange for property. He proposes that Abraham take the money and turn over the people that he captured in war. In response, Abraham answers: “I have raised my hand to the Lord, the most high G-d, possessor of heaven and earth, that I will not take a thread nor a shoe-latchet nor anything that is yours, lest you say: I have made Abraham rich” (Genesis 14:22-23). Abraham thus indicates that he will not be able to forgive himself if he accepts this offer and does not want anyone in the world to be able to claim that he became rich from money that is drenched with the blood of the poor and the cries of oppressed slaves; money that is based on the exploitation of workers and discriminatory and draconic laws.

Here Abraham sets a high, distinct ethical standard from which it is possible to derive a code of Jewish law regulating how to conduct foreign trade with states whose economies are based on oppression and the negation of human rights. From this Biblical passage, we learn that deriving profit at the expense of others is prohibited.

In what way is keeping one’s distance and guarding one’s property similar to the behavior of Sodom? A person who says “mine is mine and yours is yours” does not borrow money or other items from his neighbor, and therefore does not want to share his own property in return. In actuality, on the level of the individual, there is nothing wrong with this behavior; it involves no
oppression, and is therefore considered to be an “average trait.” On a societal level, however, the meaning of the statement in the Mishnah is clear. A place in which no doors are open to help others and the society is not interested in the well-being or fate of others shares the characteristics of Sodom. In fact, it is possible to read the Mishnah as follows: ‘Mine is mine and yours is yours’ – this is the average trait. But if some say – i.e. if more than one person says this, and society behaves in this manner as a whole – it is a characteristic of Sodom.

A story is told about the rabbi who asked the elders of his city to tend to the ongoing needs of the community independently, without involving him. He requested that they turn to him for advice and approval only when they sought to enact new rules that had not been in effect before. One day, the elders of the town approached the rabbi to ask for his approval of the following change in the local ordinances: “Because there are many poor people in our city and even more in the surrounding cities, the communal charity fund will be limited only to the poor people of this city and will not include those of the surrounding cities.” The rabbi said to elders, “Why have you called me to ask about this old rule?” They said, “But is this not a new rule?” The rabbi replied, “Certainly not. This rule has been in effect for a long time in Sodom.”

The great innovation in our day is the advent of social justice as a national, social and economic policy. Throughout the generations, acts of charity have been performed in Jewish communities throughout the world, which all had tzedaka boxes, soup kitchens, and broad systems of social support. As Maimonides writes in his exposition of the laws of charity, “We have never heard nor seen a Jewish community which lacks a communal fund for charity.” The obligation to give charity is clear and all-encompassing. It is described in detail in the Torah, repeated in the Prophets, and multiplied in the Scriptures and throughout the Oral Tradition. Today many businesses and communities in Israel are paradigms of charitable giving. But this type of tzedaka, the classic model, is primarily concerned with poor individuals whose situation is so desperate that they are forced to beg. Every rabbi and community is familiar with destitute people who beg from door to door and request funds for a variety of expenses, ranging from dowries to medical treatment and surgery. What is being advocated here, in contrast, is a systematic approach to social justice that dispenses justice (tzedek) and compassion to all of the people of Israel, providing for their needs proactively and comprehensively before they ever become destitute.

The modern welfare state is distinguished not by its direct distribution of charity to the poor, but by policies that are intended to serve the needs of all its citizens and to prevent them from falling into poverty. This approach to social justice requires a broad social safety net, with government assistance to ensure employment, housing, a living wage, adequate health services, education, and a fair distribution of resources to meet all basic human needs.

The essential difference between tzedek (justice) and tzedaka (charity) can be seen in the status of the recipient. Tzedaka is an obligation incumbent on every Jew. Even a poor Jew is required to give tzedaka. But religious law does not confer a status of “needy” which would entitle individuals to receive funds or which would force anyone to give them charity. While it is true that if a poor person took the communal charities to a Bet Din (Jewish court) for discriminating against him, and the Bet Din, awarded him money, this person’s status would still be that of a beggar who should be grateful to his benefactors for whatever he receives. In contrast, tzedek chevrati – social justice – emphasizes the fundamental rights of the individual and takes steps to ensure that the poor are not placed in a position of helplessness. By establishing systems that grant every person the right to a fair wage, adequate housing, education, health services, and employment, we perform the highest level of tzedaka. We enable individuals to earn a dignified living, save them from degradation, and allow them to maintain their self respect and the respect of their children.

Protecting the dignity and status of a person is the greatest possible act of generosity. “Rabbi Shimon Ben Lakish said, ‘One who loans to his fellow is greater than one who gives charity, and one who forms a business partnership with a needy person is greater than both [because he avoids embarrassing the recipient]’” (Shabbat 63a). The entrepreneur who invests in partnerships with

**What we advocate, instead, is a systematic approach to social justice that provides a more proactive form of justice (tzedek) and generosity to needy Israelis as a whole, covering a broader scope and intervening before they become destitute.**
others creates livelihoods for everyone. On the national level, this model of social concern would involve a just distribution of resources and the creation of work places for all. Tzedaka brings a person to dependence and reduces his self-reliance; a policy of tzedeke, social responsibility, and rights, in contrast, dignifies all members of society.

Rabbi Yechiel Epstein, the author of the “Aruch HaShulchan,” clarified this matter and expanded greatly upon it in his writings on the laws of tzedaka. Noted for their sensitivity to the needs and hardships that characterized Jewish life in Eastern Europe a hundred years ago, his writings relate the following: “It appears that what is clearly defined in the laws of the Torah is the community’s responsibility to provide for the basic needs of the poor. This worked well when the Jewish people had a firm foundation, when almost everyone made a dignified living by working the land or engaging in trade, and when charitable contributions were enough to meet the needs of the poor, who were few. Sadly, however, due to our sins, in the past few hundred years, our situation has gone from bad to worse. We do not own land or other assets. We do not work the land directly and our income must materialize out of thin air. We live off manna as the Israelites did in the desert and the majority of Jews live under siege and hardship. The number of poor has increased while the number of rich has decreased. Under such circumstances, it is impossible to meet the needs of the poor. Communal tzedaka funds have gone bankrupt, and the poor must beg from door to door. Those who are too embarrassed to beg remain hungry in their homes unless merciful people collect money on their behalf. In our time, despite the great number of charity funds, there is not enough to feed even one tenth of the hungry. Recently, certain cities have attempted to create a centralized charity fund to relieve the poor from begging and to care for homeowners who have lost property. Our souls ache to hear this, but we are powerless in the face of the recent proliferation of needy people in our city, may G-d have mercy upon them. Therefore, many towns are experimenting with alternative practices. In some places, people give according to their individual generosity, while in others taxes have been imposed. But all are stretched thin by this hardship, which affects the entire Jewish people. May G-d remove shame from His nation and bring us up in joy to the Holy Land. Ameni” (Arukh Hashulchan, Yoreh De’ah, section 250).

From the words of this author, we learn about a period when the communal system of tzedaka in the Jewish community collapsed. Charity funds ran dry as donations from individuals stopped, and each town responded in an ad hoc way. Rabbi Epstein laments the period when institutionalized social justice deteriorated into privatized charity, leaving the poor to their own devices and forcing them to beg from door to door. In particular, he emphasizes the hardship of homeowners who lost property. The poor people at the center of his discussion are not the “chronic poor” or people who avoid work; they are heads of households and families who had lived independently and respectably but now joined the cycle of poverty after suffering misfortune. His conclusion, in which he reflects that his soul “aches” at the grief of the community and wishes that “G-d will remove the shame from his nation” (Isaiah 25:9), refers not to the shame of the occasional individual who cannot feed her children, but rather to a pervasive shame that afflicts the entire community.

Rabbi Epstein, however, believed that with the arrival of the Jewish people in the holy land, they would return to a life of work, creativity, and well-being. Surely, from many perspectives, this is our condition today. “Thank G-d because He is good” (Psalms); “He gives bread to all flesh because His world is filled with generosity” (Grace After Meals). Today, the standard of living and economic position of the Jewish people in Israel is stable. The State of Israel is one of the richest and most developed countries in the world. Poor people from around the world look at Israel as the land of plenty, of milk and honey. The majority of Israel’s residents enjoy an unprecedented standard of living that their modest and humble ancestors were not even able to imagine. But with this reality comes an even greater obligation.

The economic and social gaps in Israel have reached troubling dimensions. Significant inequalities in income and property ownership belie our society’s ideals of social justice for all. High unemployment and cuts to social
services create hardship amongst large (and growing) segments of the population.

I would like to make a practical suggestion:

Based on ethical obligations grounded in the Torah’s social values, I propose action in one area with which we all come into regular contact. Thanks to G-d’s blessing, we all have opportunities to organize and play a role in family celebrations and community events. In this realm, there is ample opportunity for social activism. Halls and caterers hire many employees such as cooks, dishwashers, waiters, and cleaners, and sometimes employ foreign workers as well. Data collected by social advocacy organizations indicates that there are many instances of exploitation of workers and violations of labor laws on the part of such establishments. Some halls hire underage waiters (it is illegal to employ individuals who are under the age of sixteen or who are not yet in tenth grade), while others employ workers of the legal working age but pay them less than the minimum wage. In kitchens, halls, and cafeterias throughout Israel, workers labor under unsafe or unacceptable conditions. Whenever we feel the pleasure that comes from negotiating a great deal when booking a venue, it is worth considering how these services can be attained so cheaply and which employees are paying the price.

I do not think that rabbis, hosts of events, and certainly not guests, can completely redress these types of injustices or act as police or labor inspectors. But certainly not guests, can completely redress these types of injustices or act as police or labor inspectors. But

Just as we are interested in every detail connected to the kashrut of food we put in our mouths, we must also examine the kashrut of how the food arrives at our tables.

In order to be a holy nation, we aspire to be followers of Rabbi Yisrael Salanter and the Chofetz Chaim not only regarding “glatt kosher” meat but also regarding “glatt kosher” behavior. This includes laws such as “You shall not rule over him [your slave] ruthlessly” (Leviticus 25:43), “You shall surely open your hand to the poor and needy kinsman in your land,” (Deuteronomy 15:11), “Do not abuse a needy and destitute laborer” (Deuteronomy 24:14), “Pay a laborer his wages on the same day” (Deuteronomy 24:15), and the myriad of laws that are derived from the Torah’s principle of “Love thy neighbor as thyself” (Leviticus 19:18).

Here is one constructive example. For many years, the Beit-El tefillin factory has published a letter containing endorsements from prominent rabbis attesting to the quality of its tefillin. Rabbi Shlomo Aviner’s recommendation contains an important and unusual remark: “The matters of money [i.e. payment to workers], are also done in accordance with Jewish law.” This kind of kashrut certification is unique and surprising. Money? Kashrut? Indeed, this is an impressive example of the obligations that are incumbent upon us. By asking certain questions of a hall’s proprietor, its caterer, and its suppliers, we can begin to raise awareness and motivation for a new “social kashrut” that has not been in effect in our community previously. We can even imagine a reality in which, someday, next to the certification attesting to the kashrut of the food in a given establishment, there will also be a certificate or seal attesting to the social kashrut of the service-provider. At that point, we will be able say: “A redeemer has come to Zion” (Isaiah 59:20).

It is our dream and hope that as the vision of the return to Zion unfolds before our eyes, modern Israel will be not only a secure shelter for the people of Israel, but also a home to a unique Jewish society based upon tikun olam, “the repairing of the world.” Social involvement and the realization of the principle of tzedek are central themes in the Zionist dream and a cornerstone of the future of the State of Israel. In the words of our national anthem, “we still have not lost our hope,” and the urgency of our mission increases every day. For the sake of Israel’s spiritual identity and future, we must take action today. “You will arise and have compassion on Zion, for it is time to be gracious to her, for the appointed time has come” (Psalms 102:14).
Let not unrighteousness dwell in thy tents

We have witnessed severe social and economic distress in the State of Israel. These circumstances have projected also upon the treatment of workers: on their wages, status and dignity.

We have also witnessed a grave and ongoing violation of rights of people with disabilities, preventing their full integration into Israeli life.

Out of concern for Israel’s moral and humane character as a Jewish State, respecting all its citizens, in which justice is one of its basic principles, we wish to announce a social seal, committing all who believe in justice and morality.

We hereby request all business proprietors to respect the dignity of their workers and visitors, both regarding to conditions of employment, and also assuring accessibility to people with disabilities.

We ask all for whom the Jewish humane character of Israel is important to be aware of just consumerism, and to buy only in places holding the social seal.

Rabbi Ya’akov Ariel
Rabbi Shlomo Aviner
Rabbi Uzi Binenfeld
Rabbi Yo’el Bin-Nun
Rabbi Chaim Drukman
Adv. Yuval Elbashsan
Rabbi Mordechay Elon
Avri Gilad
Rabbi Avi Gisser
David Grosman
Rabbi Re’em haCohen
Professor Nissim Kalderon
Mrs. Rachel Keren
Rabbi Benni Lau
Rabbi Aharon Lichtenstein
Tami Molad-Hayo
Amos Oz
Mrs. Malka Peuterkovsky
Rabbi Shai Piron
Rabbi Naftali Rotenberg
Rabbi Yisrael Rozen
Rabbi Eli Sadan
Meir Shalev
Rabbi Yuval Sherlo
Muki Tzur
Dr. Zviya Valdan
Nathan Zach
Etc…
Ma’aglei Tzedek initiated the Social Seal project about eight months, with the purpose of applying the ideals in which our organization believes to Israeli reality and society. The seal is a certificate given to any business that takes upon itself the social requirements (as described below). This project is an avenue for the public to demand that businesses meet basic social criteria. We are offering the certificate to restaurants and function halls at the first stage, and only later to other types of businesses. This seal is not connected to the regular “kashrut” certificate, although we believe that kashrut of a place is wider than just the food served. It includes social issues, such as attitude to the weak, fair pay for the employees and accessibility to the disabled. The “Social Seal” wishes (via discussion and action) to bring to our community the understanding that only insistence on social values and human dignity (for example, care for workers’ rights) make a place kosher, and justifies maintaining relationship with it.

**Our goals are:**
1. To make all businesses socially kosher;
2. To encourage society to take social and moral issues in account as a part of consumerism;
3. To create and deepen social awareness amongst business owners;
4. To create a deep, relevant and operative connection between Judaism and social reality.

**The criteria:**
- Employees are paid at least minimum wages.
- The employer pays social security for all workers.
- Employees are paid for overtime, as defined by law.
- Employees are reimbursed for travel costs.
- Employees are paid also for training hours.
- The employer keeps an organized note of the hours his employees work.
- The place is accessible for people with disabilities (a ramp, wide doors etc.). In function halls the toilets are also accessible.

**List of establishments that have the social seal:**

**Jerusalem - Restaurants and coffee shops:**
- Angel, 7 Kanfei Nesharim St., Givat Shaul
- Fazza Coffee, 2 Hashayarot St.
- Village Green, 33 Jaffa St.
- Burgers Bar, 18 Emek Refa‘ím St.
- Coffee Shop, 2 Rachel Imenu St.
- Lugar, 9 Rabbi Akiva St.
- Angel, Bell Center, 4 King George St.
- 1868, 10 King David St.
- Resto Bar, 1 Ben Maimon St.
- Angel, Achim Israel Mall, 14 Yad Harutzim St., Talpiot.
- La Goute, 18 Rivlin St.
- Ma‘daney Merkaz Eshkol, 15 Paran St.
- Ne‘eman Bakery, Hadar Mall, Talpiot.
- Berri Burger, 36 Jaffa St.
- Ben Coffee, 2 Ben Yehuda St.
- Angel, Nayot Gas station, Nayot.
- The Marakia, 4 Koresh St.
- Coffee Shop, 24 Hillel St.
- Hess Coffee, 3 Hess St.
- Coffee Coffee, 22 Beit Hadifus St.
- La Cuisine, 4 Yad Harutzim St., Talpiot.
- Angel, 26 Keren Kayemet St., Sha‘arei Hessed.
- Angel Pizza, 3 King George St.
- Angel, Har‘el Mall, Mevaseret.
- Ne‘eman Coffee, 37 Emek Refa‘ím St.
- Coffee Shop, 12 Be’it Hadifus St.
- Burgers Delli Bar, 18 Emek Refa‘ím St.
- Pizza Sababa, 43 Emek Refa‘ím St.
- La Cuisine, 20 Aza St.
- Ben Ami, 12 Be’it Hadifus St.
- Blazer Coffee, 5 Shmuel Hanagid St.
- Kish, 2 Hapalma‘ch St.
- Holyland Park Coffee, 1 Nezer David St.
- Be’it Hasultan, Central Bus Station.
- Yehuda and Sharli – Shatner Center.
- Kerem - Denya Square Be’it Hakerem St.
- Agripas, 6 Agripas st.
- Brooklyn Bagel, 34 Beit Hadifus St.
- Yehuda bakery, 14 King George St.
- Hess Coffee, 3 Hess St.

**Function Halls**
- Ramat Rachel Function Hall.
- Yehuda Gardens, Diplomat Hotel.
- Ma’ale Hahamisha Gardens.
- Shoresh Gardens.
- Cana‘an Nights, Tzor‘a.
- Mul Hahar, Amon Hanatziv Promenade.
- Bishulim Catering, Park Plaza Hotel.
- Ein Hemed Gardens.
- Gesher House, 7 King David St.
- Mitzhalot Chatanim – Center 1.

**In Ma’alé Adumim**
- Dan icecream.
- Ne’eeman Bakery, Adumim Mall.
- RONI Pitzza, 15 Yahalom Square.
- Burger Ranch, Adumim Mall.
- Pitzza Daniel ,29/10 Tzemach Hasade St.
- Shnitzel Bar-burger, 29/3 Tzemach Hasade St.

**For the updated list ene our web site www.TAV.org.il**

Ask For The Seal Today!
Kibutzim with The Social Seal

Kibutz shluchot-
Yofi'i factories
Shalatron

2.Kibutz sde-elyihu
Sda spice
Bio-bee biological systems
Bio-fly
Remmon - remote monitoring ltd
Agriculture
Services
Education

3. Ein-hanatziv.
Palziv ltd.
Kapot tmarim-judaica
Chelbonit ltd.
Beresht- urbane and
architecture design
Agriculture lab
Yevuley haemek
Eden fish
Dairy barn kitchen
Agriculture
Nursing home

4. Tirat zvi
Tiv tirat-zvi
Tiv beiti catering
Rural hospitality
Agriculture
Laundrey
Dag-tag
Preschool education
Services

5. Kfar etzion
Preschool education
Kfar etzion field school

6. Rosh tzurim
Dairy barn
Management
Non-formal education system

7. Migdal oz
Maoz food industry
Duduven fashion
Preschool education
C psychometric

8. Ein-tzurim
Rural hospitality
Nana catering
Gift shop
Bottle tree
Swimming pool

9. Yavne
Yavne food products
Adi watches
Chicken hatchery

10. Sa'ad
Catering
Sayfan
Agriculture
Chicken coop
Dairy farming
Popli
Kesem graphic institute
Preschool education

11. Alumim
Alumim- rural hospitality
Garage
Shelah systems
Carpentry shop
Alutek

12. Lavi
Lavi furniture industries
Lavi metals
Livne metals control
Lachush cheshbon
Lavi hotel

13. Beit-rimon
Dairy farming
Tavor - tools

14. Merav
Agriculture
Education
Preschool education
Supermarket
Dentist clinic

15. Maale gilboa
Hod tov gilboa
Gilboa carrot
Almog agriculture
Dairy barn
Accounting
Education system
Preschool education
Non-formal education system

16. Beerot yitzchak
Avrot
Snacktime
Preschool education
Kitchen
Group hospitality

(16 Kibutzim with 85 certificate)
Every few years, the debate over the state’s responsibility towards the poorer levels of society resurfaces. Many Israeli families, including thousands of young children, live in difficult financial conditions. As a nation concerned with tzedaka (charity) and chesed (kindness), Israel must ask itself if it has been doing enough to help its poor and downtrodden. Sadly, in these hard times, the voice of Religious Zionism has been almost entirely silent.

Many wonder about Religious Zionism’s seeming lack of interest over the nation’s abundant budgetary problems. It is counterproductive to point fingers at specific ministers or Knesset members; true blame lies with the Religious Zionist movement as a whole. The old philosophy of “Torah and Labor,” which connected the word of G-d to the philosophies of Social Zionism and the Labor Movement, was damaged, if not destroyed, by the worldwide collapse of Communism. Unfortunately, no new ideas have emerged to replace “Torah and Labor” as the banner of Religious Zionism. Many of the top Israeli economists identify with Religious Zionism. The presence of religiously-affiliated professionals who deal with new economic reality, however, has not been sufficient in developing a new philosophy that follows the old system of “Torah and Labor” but is still relevant to the current era of free-trade and globalization. The goal of this article is to set up preliminary guidelines in regard to these issues.

**Requirement Versus Privilege**

When examining the Torah’s commandments, the category that stands out are those mitzvot that require a person to offer assistance to his fellow man. Separate from the many mitzvot that require a person to physically help his peers, stand all the mitzvot relating to giving to the poor: leket (gleanings), shichicha (the “forgotten” produce), peah (the abandoned corner of a field), peret (fallen grapes), olelot (vineyard gleanings), ma’aser ani (the poor tithe), and tzedaka (monetary gifts). While most socialist systems in the modern world try to establish rights for the weak, the Torah is more concerned with the people who have the mandate of trying to help the weak. The Torah discusses at length the individual requirements of leaving leket, shichicha, and pe’ah and of giving ma’aser ani and tzedaka. The poor person himself, however, has no right to demand any of these charitable gifts, according to the Torah. Therefore, it seems that the difference between the Torah and the accepted systems of social aid is much greater than semantics alone. The Torah seems to express a unique outlook in dealing with poverty.

The Torah’s system of charity differs from most state-imposed systems. The state can worry about the rights of the weak; however, it can never force the strong to help them. The rule of “forcing the giving of Tzedaka” stems from the obligation on the giver, rather than the merit of the receiver.
of the weak; however, it can never force the strong to help them. Even when the state collects taxes, it can never allow the taxpayer to show personal magnanimity. The small community, on the other hand, through such methods as the “tzedaka fund,” can create a system centered on voluntary giving. The rule of “forcing the giving of tzedaka” (ibid Chapter 7, Law 10) stems from the obligation on the giver, rather than the merit of the receiver, according to many scholars. (See Tosafot, “Akleih,” to Bava Batra 8b; Rambam, Hilchot Matanot Aniyim, Chapter 7, Law 11; Ritva, “Ha,” to Ketubot 49b; Maharal, “Kee ha,” Chidushei Agadot L’Bava Batra 9a) Unlike systems of public tax-collecting or mutual insurance, the Torah’s process of collecting tzedaka places the giver in the spotlight and allows him to feel as if he is directly involved in furthering justice.

Socialism allows a poor person to pass off his burden onto society. The mitzva of lending money, on the other hand, places full responsibility on the poor person by requiring him to return the entire loan, down to the last penny

Giving for its Own Sake

The Torah does not strive towards the elimination of poverty from the world in any kind of idealistic sense. It explicitly informs us: “For destitute people will not cease to exist within the land” (Deuteronomy 15:11). The Torah’s goal, rather, is to spread individual acts of charity and compassion in the world. Essentially, the existence of needy people gives others the opportunity to help them. (see Bava Batra 10a) This reality furthers social harmony and unity to a much greater extent than would a world full of abundance but, by default, alienation. In such a world, the absence of needy people would negate the act of giving assistance. Therefore, it is clear that a fundamental aspect of the mitzvot of giving charity, are the rules which require a person to give with the “appearance of friendliness, happiness, and brotherhood.” (Rambam, Hilchot Matanot Aniyim, Chapter 10, Law 4) A special mitzva was even assigned for holidays and festivals to give gifts to “those who have nothing prepared.” (Nehemiah 8:10; see also Deuteronomy 16:11,14) This mitzva is especially important during the festival of Purim. (see Esther 9:22) Even someone who is unable to give monetary charity, still has the mitzva of at least giving someone a friendly word of encouragement: “And you will supply for the needy of spirit.” (Rambam, Hilchot Matanot Aniyim, Chapter 10, Law 5) A poor person is also required to give charity to others in need (ibid Chapter 7, Law 5) even though his actions in no way decrease the gap between the rich and poor within society.

Acceptance Through Taking Responsibility

Looking at these laws, it is easy to think that the well being of the poor is not important to the Torah. The poor seem to exist solely to allow the rich to achieve their own personal fulfillment and to improve their “trait of generosity.” A careful examination of these issues, however, shows the Torah’s unique, therapeutic approach to social policy which emerges precisely because of the Torah’s apparent lack of emphasis on the rights of the poor.

We can understand this point by analyzing a prominent disagreement between the supporters of socialism and capitalism: the responsibility of the society versus the individual over a person’s economic fate. Socialism focuses on the weakness and helplessness of the wretched individual who has neither the physical nor emotional strength to worry about his own interests. Hence, society as a whole must be responsible for alleviating this individual’s burden. To this extent, socialism advocates for institutions such as public health insurance, unemployment payments, and pensions for children and the disabled.

Capitalism, in contrast, embraces the ideas of individual responsibility, initiative, and effort—that every person’s fate is in his hands alone. Only individuals can take full responsibility for their failures, and reap the full rewards of their successes. In the process, all people are free from seeing themselves as responsible for the fate of others.

The Torah, in its way, unifies these two seemingly opposite systems. In his Mishnah Torah, Rambam describes eight levels of tzedaka. (Rambam, Hilchot Matanot Aniyim, Chapter 10, Laws 7-14) At the top of this ladder, one might expect the ultimate expression of generosity to be the free gift. This, however, is not the way of the Torah. Instead, the mitzva of lending money is placed at the top of the ladder. A fundamental aspect of money lending is the requirement on the recipient to pay the loan back in full. It is impossible to
borrow money in order to buy alcohol; no one would ever agree to loan money to a person with this intent. Loans are given so that the recipient can use the money to acquire his own means of production and thus leave the circle of poverty. Socialism allows a poor person to pass off his burden onto society. The mitzva of lending money, on the other hand, places full responsibility on the poor person by requiring him to return the entire loan, down to the last penny.

Lending money is not the only mitzva located high up on Rambam’s ladder of tzedaka. Close to it is the mitzva of forming a business partnership with someone whose economic situation is deteriorating. Like lending money, forming a business partnership places the responsibility on the person in need. He needs to work hard and responsibly in order to receive the full help of his business partner. In this system, he cannot live as a parasite off the achievements of the others. A third method of helping the needy is finding employment for a poor person. A set job allows this person to provide for himself and his family through his own means, without imposing his burden on society. In present Israeli society, this mitzva could be implemented directly by simply creating new sources of employment. New jobs could also be indirectly provided for poor Israelis, if society starts making a point of purchasing the products of companies that employ Jews, or starts taking advantage of current low interest rates to invest in these companies. It would be useful to produce a list of these companies so that Israelis can start buying their products and stock shares and thus can fulfill the Torah’s commandment of: “And when you make a sale to your fellow or make a purchase from the hand of your fellow.” (Leviticus 25:24).

It is now well known that the greater a person’s personal responsibility in life, the better his mental health and sense of happiness. Also, the most current research has demonstrated that the best way to eliminate poverty is by improving the education system offered to the poor. On average, every additional year of education improves a person’s income by 8%. Increased income potential, partly because it allows a person to reap the fruits of his own labor, helps society recognize the importance of hard work and responsibility. In contrast to helping a person develop a sense of conscientiousness and pride, gifts of charity humiliate a person by making him feel dependent and embarrassingly unproductive. Indeed, to remedy this, the Torah advocates the giving of “gifts in secret.” (Rambam, Hilchot Matanot Aniyim, Chapter 10, Laws 8-10) but even this is not always enough. The actual sensation a person feels when he is a drain on society is an affront to his personal dignity. The idea that other people are responsible for his fate, and not him alone, wounds his ability to experience the happiness and joy of life. Government unemployment payments are also an ineffective solution. An unemployed person is someone who has been battered and humiliated by life and is often at risk for alcoholism or drug addiction. Giving this person money without also trying to change his state-of-mind is therefore counterproductive.

The Torah does not guarantee monetary assistance to the poor and it does not even begin to discuss a large-scale social security system. The Torah’s system of collection is localized and small-scale. In this system, “everyone knows everyone” and fixed criteria to qualify for aid are unnecessary.

Charity Outside of the Establishment

The Torah does not guarantee monetary assistance to the poor and it does not even begin to discuss a large-scale social security system. The Torah’s system of collection is localized and small-scale. In this system, “everyone knows everyone” and fixed criteria to qualify for aid are unnecessary. The Torah advocates that aid distribution be subjectively determined based on the community’s familiarity with the person in need. “As much as he needs” should be given to him based on this personal relationship. (Rambam, Hilchot Matanot Aniyim, Chapter 7, Law 3) In this system, a parasitical person should usually receive only a “small gift” while...
a person in need, who truly wants to rehabilitate his life, is privileged to receive a large amount of aid.

A large national welfare system is unable to respond to the needs of every individual. This type of system sets forth broad general criteria, which allow even parasites to receive a share of the “spoils.” It gives people the incentive to try to increase their eligibility for more and more aid, and thus entrench themselves further into the cycle of poverty. Proactively trying to leave a state of poverty often presents too many risks and many are seduced by the option of having “one in the hand” rather than “two in the bush.” It is easy to find entire generations of poor people who are sinking deeper and deeper into the mentality of poverty and powerlessness. Therefore, new studies have suggested that the state decrease should direct aid to the people, and invest more resources in developing community-based volunteer associations.

Gifts for the Poor from the Fruits of the Land

The mitzvot that espouse giving agricultural gifts to the poor follow the same approach of imposing most of the responsibility on the receiver, rather than the giver. None of these mitzvot require the farmer to go out of his way to bring the gifts to the poor. In the mitzvot of leket, shichicha, and pe’ah the farmer is outright prohibited from doing this: “You shall not give the gleanings to the poor.” (Rambam, Hilchot Matanot Aniyyim, Chapter 1, Law 8) The poor person, rather, is required to take pains to collect them himself. This is also the case with the shemita (sabbatical) year. During this year, all produce is abandoned to whoever wants it. If the poor person is not proactive when collecting it, he is likely to go home empty-handed. The only example of agricultural charity that can be brought directly to the poor person by the farmer is the ma’aser ani. Even here, however, the rule is that “ma’aser ani is on the threshing floor;” that those who arrive first to the threshing floor to receive the tithe have precedence and that only under certain circumstances can the farmer take the ma’aser ani to personally divide up among the poor. (Rambam, Hilchot Matanot Aniyyim, Chapter 6, Law 10). Even under these special circumstances, the poor person is not guaranteed any of the ma’aser ani and his best chances are if he tries hard to make it to the threshing floor early to take it himself. The poor person is thus encouraged to take personal initiative to break out of the apathy that is characteristic of difficult social circumstances. He is, in a sense, forced to leave the mentality of poverty and he thus begins the process of rehabilitating his social condition.

Transfer Payments

Another point must be raised, beyond the framework of Torah that has been discussed so far in this article. Economists in Israel have been perplexed that “transfer payments” (in other words, money collected from the rich through taxes and doled out to the poor through different allowances and pensions) have not achieved their goals. These payments may provide a temporary solution, but in the long-term they actually perpetuate poverty. Many blame the Establishment for the existence of people dependent on these payments. Current research focuses on two potentially more effective ways of eliminating poverty.

Current research focuses on two potentially more effective ways of eliminating poverty: improvement of the national education system and a national policy of population shifting. If families from areas of poverty move to areas of wealth, or vice versa, a positive change can occur in the mentality, as well as the economic status, of the poor families. A policy of encouraged migration would be much harder for the government to implement than one of education reform, and therefore this area is perfect for Religious Zionism to take a stand.
Religious Zionism’s two primary projects – populating Judea, Samaria, and Gaza, and religious community service groups – are already equipped to handle this new project. Many communities in Judea, Samaria, or Gaza, especially the larger more urbanized ones, have encouraged the migration of people from lower socio-economic backgrounds. This is partly because housing costs in these areas happen to be much lower than in most of the country. This policy, however, is also a result of ideology. For example, during Kiryat Arba’s first year, Rabbi Moshe Levinger established the principle of encouraging poor people to help populate Judea, Samaria, and Gaza. Either way, the movement has already made a meaningful contribution towards taking hundreds, and even thousands, of families out of the cycle of poverty.

Complementary to its project of populating Judea, Samaria, and Gaza, Religious Zionism is active in promoting religious community service groups (which, unsurprisingly, are often run by second generation residents of Judea, Samaria, and Gaza). Although many of these groups are small, their effects on their surroundings are noticeable, not only through their tangible community service and educational projects, but also through the inspiration they provide to local communities.

Summary

During the last few generations, several attempts have been made at creating a more egalitarian society. Unfortunately, these endeavors have been far from successful. The Soviet empire collapsed more than a decade ago. In Israel, the Kibbutz Movement has been plagued with ideological and economic crises. The Social-Democratic economic regime, embraced by Western Europe as well as Israel, is turning more and more towards the most ruthless and extreme forms of capitalism. For over a century, the ideas of socialism dominated the political and economic debate. Millions of people were attracted by socialism’s promise of equality for all and even sacrificed their lives for its sake. Many of our own people turned their back on the Torah of Israel and exchanged it for the “Torah” of Marx. Others asked: what answers does the Torah provide to such large questions of global security and economic prosperity? It seems that now, our perspective has changed, and we as Religious Zionists stand ready to tackle this challenge. It is important that we reexamine the works of Rav Avraham HaCohen Kook – the four volumes of the Ein A’yah, the three volumes of Shemoneh Kevazim (collection of eight unedited journals), with the Maftechot L’Kitvei Rea’ya (index of works) – to better understand his views on tzedaka and social justice. We are waiting for whoever is willing to take this initiative. There is much work before us in the fields of Torah and Halacha, the professional realms of science and economics, and in gaining more insight into the current socio-economic situation in Israel. A healthy, supportive, giving, and just society is possible. It requires our hard work and perseverance and our aspiration to indeed be a society that is a light unto the nations.
Aviad Hacohen  Translated by Tania Chipman

On The Prohibition Of Human Trafficking And Its Projections On Society

Introduction

Slavery is a curse. Even more so when in addition to denying a person's freedom, acts of exploitation, degradation and humiliation of human dignity are committed. It should not surprise us that in the long list of curses in Deuteronomy there is a curse of slavery “You shall sell yourselves unto your enemies for bondmen and for bondwoman” (28,68), and another curse of “Thy sons and thy daughters shall be given unto another people” (28,32).

These verses describe a reality in which human trafficking is a known phenomenon. In olden times, hundreds of thousands were slaves. The Torah and medieval Jewish sources depict this situation at its worst. Slaves were humiliated and abused on a daily basis.

Many believe that slavery no longer exists. A careful look will show that although slavery is abhorred, there are many similar phenomena. One of the worst is human trafficking, especially women trafficking prostitution.

Sadly, in the past few years, the land of the Jews is one of the main western countries which trades in women. Admittedly this phenomena exists in the margins of society, but it is growing fast in the past decade. In fact, its growth has caused the Knesset to legislate laws specifically for this crime, and the courts are applying severe sanctions.

First of all, trafficking in women harms the human dignity of these women, damages Israel’s “name”, and sets a heavy shadow (moral and ethical) on its right to be called a Jewish Democratic State.

Any attempt to discuss the stance of Jewish law on this issue requires caution. First, many of the sources on this subject disguise more than they disclose. Both slavery of non-Jews in Jewish homes and prostitution are issues which “modesty becomes”, therefore Jewish scholars revealed only a little. There are only a few sources which discuss prostitution, although it is clear that it was a wider phenomenon than we might believe.

Moreover, if with any ancient source we must be careful of anachronism, with sources regarding human trafficking extra caution is required. Nowadays in western society human trade is unacceptable, but in the ancient world, in fact up till the medieval ages, human trafficking was almost the norm. The ‘forgiving’ approach of some of the sources (not all) is an outcome of the reality of that time and does not express an ethical stand.

Even after these words of warning, it is amazing to see that even in such different times the Jewish scholars were sensitive to the vulnerability of the slaves, and fought against their mistreatment and degradation.

The baseline for this discussion is the understanding of the special status of man, any man, created in the image of G-d. From this principle many duties are derived: the prohibition to deny a man’s freedom, harm his body or dignity, or humiliate him. From here stem the many warnings in the Torah regarding slavery, and the duty to act respectfully also to those who needed to sell themselves for one reason or other.

"The Torah only spoke so as to temper the Evil Urge"

An important portion of the Torah regarding the sexual use of women (especially foreign women) is that of the beautiful captive woman- "יושבת הפרה" (Deuteronomy 21, 10-14). This portion, of only five verses, is one of the most difficult in the Torah. The Talmud says that all who are wary of their sins could not go to war. In other words, only great righteous men with no sins went to war, only people who were careful even of a small sin such as ‘speaking between Teffilin of hand and of head’. How can it be that such a man would commit a sin of forbidden sexual relations? How can it be that in the flurry of war he sees a woman, non Jewish (Sages added she might even be married!), and is infatuated by her so much as to take her home with him, even against her will!! And can it be that the interest of the captor comes before that of the captive?

Attempting to understand this innovation in halacha, Rashi, following the Sages (Kidushin p. 21), teaches us that "The Torah is dealing with the Evil Inclination, lest he marry her although it is forbidden". In other words: the Torah, supposedly, creates a ‘way out’ for people overcome by the Evil Inclination, and so as to stop them from committing a terrible sin allows them to marry the

Dr. Aviad HaCohen-vice dean and senior lectures, ‘Shaarei Mishpat’ Law college and Hebrew University, Jerusalem.
beautiful captive woman (Rambam Hilchot Melahim 8, and Minhat Hineh there).

These issues are even more extreme in a dispute in the two Talmuds, Babli and Yerushalmi. According to the Babli it is permitted to approach the woman only after she has gone through a long process described in the passage, in which she loses her beauty: shaving her hair, removing beautiful clothes etc. In contrast, Rabbi Yohanan in the Yerushalmi (Sanhedrin) allows a man to have intimate relations with a woman already in the flurry of war, even before she converts (see Ha’amek Davar there, for verses 11,14).

Be it as it may, there is a double message here. One is "There is no righteous man in the land who may not sin". Even a meticulous, pious man who pays attention to every detail in Tefillin, may sin. No one is immune to the evil inclination, and it is good not to be sanctimonious.

The second regards the sorrow and suffering of the captive woman. The Torah knows that usually the captor wishes to humiliate and degrade its captive. That is why it severely forbids us to degrade the woman. “Thou shalt not deal with her as a slave, because thou hast humbled her”.

Rabbi S. R. Hirsch adds: This mitzva is stated especially in days of war since those are days in which a man lets free his impulses to destroy, and forgives any moral inhibitions. These mitzvot intended to demand the use of conscience even in war time, not to mention in days of calm and peace.

Treatment of slaves

When the Sages acknowledged the harsh reality of their own period, in which slavery was very common, they tried to minimize its damage and protested against the disregard of slaves as, human beings created in the image of G-d, and their use for despicable purposes.

It is possible that the use of words ‘דוקא ור’ (when you leave), instead of ‘דוקא ור’ or ‘דוקא ור’ (when you approach) at the beginning of this Parasha allude to another ‘going out’ - the exodus from Egypt. It is common for slaves who turn into masters to treat their slaves as they were treated. The Torah warns us many times to remember we were slaves in Egypt.

So, we are commanded to treat the Hebrew slave with care, “For they are My servants, whom I brought forth out of the land of Egypt; they shall not be sold as bondmen. Thou shalt not rule over him with rigour; but shalt fear thy G-d.” (Leviticus 25:42-43).

Rashi explains the words ‘they shall not be sold as bondmen’- By announcing there is a slave for sale here, and not to bring the slave to ‘the selling rock’. ‘Thou shalt not rule over him with rigour’- Unneeded work, used to torture the slave. Do not tell him ‘Heat this cup if you don’t need it or ‘Rake under this vine till I come’. You might think no one will know if this work is needed, but this is something subject to a person’s conscience, that’s why it says ‘but shall fear thy G-d’.

Thou shalt not deal with her as a slave

As Iben-Ezra commented on the portion, the use of the words ‘יָתַן תַּרְפָּר חַבָּרָה’ (-‘Thou shalt not deal with her as a slave’) is rare, and occurs only twice in the Torah. Scholars suggested different explanations: The Aramaic translations- Onkelos, Yonatan, Pshita and Yerushalmi, and the Rashbam explained the words as bargaining. In other words, like with a Hebrew slave or with someone who steals a human to sell him, (Deuteronomy 24:7) also the beautiful captive woman must not be sold like an object.

Rashi translated the word “ותנה” as being derived from the Persian word for ‘use’, meaning do not use her as a house object.

Iben-Ezra suggests the word means cheating (ותנה). Although the woman is your captive, just as a slave and master, you mustn’t deceit her. He defines this explanation by changing the order of the letters (ותנה). Another explanation suggested by the Ramban changes one of the letters (תורה-תורה), the word thus meaning behaving as a master. In other words, although she is your subordinate, do not behave to her as a master, but as a human being.

An original idea is proposed by Rabbi S. R. Hirsch.
He suggests ‘Omer’- like any other Omer in the Torah, means a bundle of wheat. The prohibition is against turning the woman into an Omer - it is prohibited to gain benefit or reap profit from her. A similar explanation was given by Rabbi Yosef Iben Kaspi, one of the original scholars of the medieval ages, who lived in the 13th century and wrote in the book ‘Mishna Kesef’:

‘Thou shalt not deal with her as a slave- to turn her into a bundle, to marry her in order to sell her at the market like a bundle of wheat or logs.

The woman and her body are not a bundle of wheat which can be taken from place to place, or sold for the highest bid.

In Israeli law

As stated earlier, because of the horrendous growth in trafficking of women in Israel, the legislature and courts searched for different ways to fight this phenomenon. While pimping for acts of prostitution carries a punishment of up to 5 years in prison, (clauses 199, 201 and 204 in the Penal Code) and soliciting up to 7 years (clause 202), the law is very harsh regarding people trading for the purpose of prostitution.

In 1997 the government proposed a law intended to amend the Penal Code regarding crimes of prostitution, sex and abomination. The main aim of this amendment was to include men prostitutes in the law, and to protect children from sexual abuse. It did not mention women trafficking. Due to the growth in the phenomenon, the original proposal bill was altered. In 2000 a final change was made to the Penal Code 77 (clause 203 a) and the basic sentence was doubled (and even more).

The law says:

1. The buyer or seller of a human for work in prostitution, or the go between, shall be sentenced to 16 years imprisonment. "Buyer or seller" meaning for money, money equivalent, service or any other ancillary benefit.

2. Whoever causes someone to leave their country so as to work in prostitution- will be sentenced to 10 years imprisonment.

The background for this essential change was explained by MK Amnon Rubenstein head of the Constitution, Law and Justice Committee in the Knesset When bringing the law to its second and third reading, he spoke of human trafficking as a ‘national calamity’.

The courts also contributed to severe punishment. The court's verdicts describe a terrible reality in which the woman's body turns into an 'object' sold, while humiliating her and revoking her freedom. The verdicts show revulsion of this phenomenon, as Judge Heshin stated:

"Woman trafficking (for the purpose of prostitution) is unlike other crimes. This crime is especially severe. It brings no honour to the State of Israel, nor to society here, that a crime like this must be written in the law book, especially when we know this is a new phenomenon, of our days, which did not exist here in the past."

Judge Tirkal added:

"Woman trafficking is one of the most despicable crimes in our law book. It includes the horror of selling a human, the cruelty and humiliation of sexual abuse, and the terror of extortion.

In this crime we can see the terror and fear the "merchant" uses on his victims, and on others involved in his trade, at the time of slavery, and even after liberation"

In order to cope with the phenomenon, the legal authorities have begun law enforcement to prevent it, mainly by blocking the borders and deporting women brought to Israel for prostitution. In addition, many organizations are trying to assist by individual legal representation of the abused women. Usually the women lack the means and knowledge needed to find adequate legal representation. Their "boss", the pimp, supposedly represents them, but actually works against their interests of protection and extraction from the vicious loop of prostitution.

Courts rejected the claim used by women traffickers,
that the woman agrees to the prostitution, maybe even wishes it. Judge Englard wrote (on a different matter):

"The need to protect human freedom and dignity, means that even someone who chose to act as a prostitute should be able to change their way of life at all times. The creation of a situation in which the buyer has an interest to preserve the 'status quo', poses a serious danger to the freedom of the 'object'. In addition, the legislature sees the whole concept of selling a human being as degrading her honor, and harming her human character, since the woman turns into an object, and is treated as a slave. In this case we can see that the woman prostitute underwent an examination which may be compared only to the examination performed on an animal at the market."

Also the former Attorney General (now serving in the High Court of Justice) Rubenstein joined the battle. He said: "'Human trafficking'- there is no worse, more humiliating, word combination. It completely contradicts the basis of any decent civil life."

Closing comments

We were given a great mitzva “Profane not thy daughter, to make her a harlot, lest the land fall into harlotry, and the land become full of lewdness.” (Leviticus 19,29). The commentaries noted the harsh words, which show that the land itself, not only the people living on it, take part in this sin, in contrast to other very serious sins.

A midrash on the subject says: “The generation of the Flood was flooded with promiscuity. Rabbi Simlai said: Where there is promiscuity, chaos comes to the world... that shows us that G-d has patience for everything but promiscuity” (Vayikra Raba 23,9).

We can explain this midrash in a new way. Prostitution destroys the land not only because it is a severe sin (after all there are many other severe sins like murder, rape and theft, which unlike prostitution are committed in opposition to the victim's wishes) but also because it reflects a great degradation of human dignity.

Turning a human being into an object ‘up for sale’ may, G-d forbid, bring us, seeing the victim, to say “Man hath no pre-eminence above a beast” (Ecclesiastes 3,19).

Donations

Ma'aglee Tzedek wishes to expand its activities in many more directions. We are calling on you to take part in a movement aimed towards real change in the character of the Jewish state in the next few years. We intend to initiate several projects this year:

Opening a Beit-Midrash dealing with the current social aspects of halachik questions, a Beit-Midrash whose students will study issues relevant to social policy in Israel today, and will be a part of bringing these issues to religious public awareness.

Opening a seminar center that will offer schools activities and workshops on social justice. Our intention is to create an instructional team based on volunteers who can present seminars across the country.

Changing society's attitude and behavior regarding consumerism. We wish to create awareness to fair consumerism, and the understanding that every consumer has the power to influence providers of services.

Influencing decision-makers in Israel to legislate (or enforce) laws and to create social norms of justice and equal opportunities, as expected of a state based on Jewish and moral values.

In order to realize these programs and to continue the existing projects we are in need of financial resources - large as small.

Come and be a part of this change!

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40% of the workers earn less than minimum wages, according to the chairman of the Israeli Manufacturers Association. Others estimate that 50%-70% of the employees do not receive the salary required by law.

Only 5 employers were convicted of not paying minimum wages in the first half of 2002.

345 thousand people over the age of 18, comprising 18.9% of the working force, work on Shabbat at least once a month.

Most people who work on Shabbat have a low level of education (20% lack even a Bagrut certificate), and earn a below-average salary, about 6,400 NIS.

38% of people under the poverty line are working people, while 39% are unemployed. The rest are individuals incapable of working, such as the elderly.

“Shabbat workers” work many more hours per month - 240 hours instead of the average 175; as the hourly wage on Shabbat should be 150% higher than on weekdays, their salary is especially low.

According to official sources, 3,000 women every year are bought and sold in Israel; they are scattered in 300-400 brothels. Other sources maintain that the number is double.

70% of the foreign workers in Israel, do not even earn the minimum wages.

This data is based on: