

Tikkun Olam:
A New Terminology for Social and Economic Reform and
its Biblical, Rabbinic and Mystical Roots

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Previous Books:

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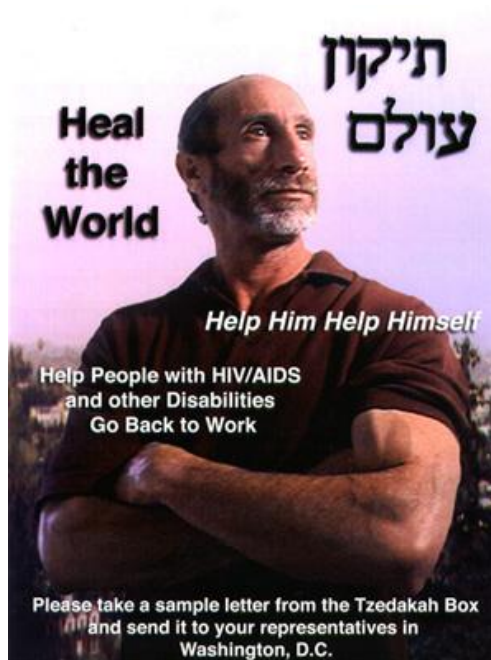
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Courtesy of Albert J. Winn, photographer, for an exhibition at the Jewish Museum of San Francisco entitled, "Making Change: 100 Artists Interpret the Tzedakah Box." (Inkjet Print, 1999)

The artist-photographer explains that the image above is the top of a "Tzedakah Out-Box" made of Lucite in the form of an "out-box" for letters in an office. It transforms the meaning of tzedakah as the donation of money to the needy into social action performed by the democratic act of writing to one's Congressman to right a social injustice, i.e., *tikkun olam* through legislation. Inside the box is a stack of letters addressed to members of Congress requesting them to change the Social Security rules and regulation for people with HIV/AIDS and other disabilities, "so that we could go back to work, earn a living and still keep our medical benefits, which would be taken away if we went back to work. Rather than have people put money into the tzedakah box, my poster asked them to take a letter out of the box, sign it and send it to their representative." This is an example of the highest form of tzedakah for Maimonides, because it helps someone to help her/himself. The image is based on the figures of the halutzic pioneer farmer printed on an Israeli ten lira note (1952) designed in the style of Soviet and Zionist Socialist Realism. It portrays the Socialist Zionist the concept of the new man or the "New Hebrew" who is young and virile, looking into the future. Albert Winn calls his image the "AIDS Halutz-nik," Thus an image of health, of self-help and of masculinity is associated with gay people with AIDS struggling for *tikkun shalom* and *tikkun ha-guf*, repairing the body and the body politic of society. Albert Winn sums up his intent: "The AIDS Halutz-nik is photographed from below, it is reverential. Skin - toned, arms and shoulders - pumped up and buff, the figure has a look of confidence, optimism, and hope. The stance and look is heroic. Like the pioneers who have conquered the land, restoring themselves and the Jewish People, I was conquering AIDS, restoring my health and reinventing the image of a person with AIDS. Creating a "new" Jew with AIDS as a way to affirm and unite my Jewish, gay and AIDS identities, I was also attempting to heal myself and emerge from the stigma."

"The Holy One says: Who redeems Me, my Shekhina, and the people Israel from [their exile] among the idolators? One who does justice and tzedakah, *mishpat utzedakah*. If they do not do *mishpat utzedakah*, what do we say of them? "*The truth is absent*" (Isaiah 59:16) (Midrash Tanna dBei Eliyahu Rabbah 10)

"What is a man born for but to be a Reformer, a Re-maker of what man has made; a renouncer of lies; a restorer of truth and good, imitating that great Nature which embosoms us all, and which sleeps no moment on old past, but **every hour repairs herself**, yielding us every morning a new day, and with every pulsation a new life?

"Let him renounce everything which is not true to him, and put all his practices back on their first thoughts, and do nothing for which he has not the whole world for his reason.... to reattach the deeds of every day to the holy and mysterious recesses of life.

"The power, which is at once spring and regulator in all efforts of reform, is faith in Man, the conviction that there is an infinite worthiness in him which will appear at the call of worth, and that **all particular reforms are the removing of some impediment**. Is it not the highest duty that man should be honored in us?" - Ralph Waldo Emerson ⁱ

"How lovely to think that no one need wait a moment before making the world better. We can start now slowly changing the world. You can always, always, always give something, even if it is only kindness. Give, give again, don't lose courage. Keep it up and go on giving." - Anna Frank (*Diaries*, Amsterdam, 1944)ⁱⁱ

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever does." - Margaret Mead

"To fix the world is to fix education." - Janusz Korczak, children's educator, martyr of Warsaw Ghetto

"If you believe it is possible to ruin, then believe it is possible to fix."

- Reb Nahman from Bratzlav (19th C. Poland, great-grandson of founder of hasidism, the Baal Shem Tov)

"The human being is unique among animals in its rational faculty. Thus humans can do *tikkun* of their character traits, then *tikkun* of their household, and then *tikkun* of the state."

- Yehuda Halevi (*Kuzari* I #35, 11th C. Spain)

"Judaism's central tactic to achieve *tikkun olam* is to create an **experimental community** - the children of Israel - seeking to care for its own. This would show an example, a human model, of how to move toward the final goal, step by step, without destroying the good that exists."ⁱⁱⁱ - Irving Greenberg, American liberal Orthodox rabbi)

"Most of the things worth doing in the world had been declared impossible before they were done." - Justice Louis Brandeis, US Supreme Court, head of American Zionism)

Rabbi Tarfon used to say: 'The day is short, the work is great, the workmen are lazy, the reward is great, and the Master of the house puts on the pressure.

You are not obligated to complete the whole task, but neither are you exempt, so that you may neglect it entirely.'" (Mishna Avot 2:20)

Introduction: New, Old, and Renewed: The Term *Tikkun Olam*

"**Tikkun - to heal, repair, and transform the world.**" - Rabbi Michael Lerner, *Tikkun Magazine*¹

"**By the beginning of the 20th C. in national polls most Jews place commitment to social equality above support for Israel or religious observance.**"^{iv} - J.J. Schacter

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Tikkun Olam is today generally associated with liberal Judaism, but its roots conceptually and terminologically are deep in Biblical, Rabbinic and mystical texts. In the contemporary American Jewish world² it is used frequently as an untranslated Hebrew term. It appears within the English discourse of Reform, Conservative, Reconstructionist or Jewish Renewal synagogues as well as Jewish Federations and even socially active but unaffiliated American Jews, but seldom is it used by Orthodox Jews in America and Orthodox organizations. More important, social activism itself is much less prevalent in Orthodox Jewish circles, where they prefer terms like *hesed* or "doing a mitzvah" for rendering neighborly help. In Israel the social activist rabbi and head of a religious Zionist yeshiva, Yuval Sherlo,^v observed that the overwhelming majority of leaders of Israeli *hesed* organizations providing material and emotional compassion for the needy, such as Yad Sara for free medical equipment, were Orthodox religious Jews, while the overwhelming majority of leaders of Israeli *tzedek* / social justice organizations, such as the hotline for foreign workers, are secular Jews. Orthodox religious Jewish identity³ values and institutionalizes the practice of compassion more than social justice, even though the Torah and the Talmud are filled with laws and appeals for social justice, no less than *tzedakah* and *gemilut hesed*. The rise of "*tikkun olam*," now a defining virtue of Liberal Judaism, is gradually penetrating liberal Orthodox circles as well: in Britain, Jonathan Sacks, chief orthodox rabbi of Britain and author of best-selling books on these themes; in Israel - Rabbi Beni Lau and Yair Sherlo and Magalei Tzedek, an activist organization of young religious Zionists in Israel; and in the USA - Rabbi Avi Weiss and Chovevei Torah, a liberal Orthodox seminary in New York.

¹ As Jill Jacobs explains, Michael Lerner articulates a two-fold vision of the relationship between religion and social justice. First, he believes that social justice efforts must balance advocacy of economic and political rights with spiritual needs. They understand spiritual needs as follows:

"We in the Tikkun Community use the word 'spiritual' to include all those whose deepest values lead them to challenge the ethos of selfishness and materialism that has led people into a frantic search for money and power and away from a life that places love, kindness, generosity, peace, non-violence, social justice, awe and wonder at the grandeur of creation, thanksgiving, humility and joy at the center of our lives.

Second, this vision of social justice is rooted in the Jewish commandment to remember the experience of slavery and the Exodus from Egypt. From this he infers that "we are all harmed by oppression directed at any group or individual." (Jill Jacobs, "The History of Tikkun Olam" in *Zeek*, July 2007)

² Jacobs writes: "The term *tikkun olam* more or less disappeared from popular usage between the sixteenth century and the 1950s when the concept reemerged as the new shorthand for 'social justice.' The term gained currency in the 1970s and 1980s, as the progressive Jewish world began to emerge as an entity separate from the so-called 'mainstream' organizational world. The New Jewish Agenda, a 1980s attempt to create an alternative Jewish voice, used the term *tikkun* as a rallying cry, as do contemporary local Jewish social justice organizations, such as the Progressive Jewish Alliance in California and Jews United for Justice in Washington, DC. The term has gained traction in general American liberal circles through the magazine *Tikkun*, a left-leaning publication founded in 1986." (Jill Jacobs, "The History of Tikkun Olam" in *Zeek*, July 2007, see also her *There Shall be No Needy: Pursuing Social Justice through Jewish Law and Tradition*).

However the term *Tikkun Olam* was used even earlier in Zionist circles at the turn of the 20th C. as in an essay by Ahad Ha'am and even earlier in the late 19th C. by the founder of modern Orthodoxy in Germany, Rabbi Samson Raphael Hirsch.

³ "Are Jews obligated to engage in *tikkun olam*? The fact is that such an obligation is absent from the vast majority of Jewish primary sources from the post-biblical to the pre-modern period. The authoritative texts of the Jewish tradition - the Talmud and its commentators, responsa literature and codes - are almost silent on the obligation, and even the desirability of Jewish involvement in what is known as social justice, activity aimed at universal social or communal betterment." ("Tikkun Olam: Defining the Jewish Obligation" in *Rav Chesed*, essays in honor of Haskel Lookstein, edited by Rafael Medoff, 183-4)

The Hebrew term *tikkun olam* has even appeared in political speeches by non-Jews seeking to speak to Jews in their own value language. J.J. Schacter observes:

"NY Times reports that 'Madonna brings the Kabbalah center's message of egoless dedication to *tikkun olam* (repairing the world) home to her fans both in her music and in personal appearances.'^{vi} Senator Barack Obama said to AIPAC in its 2008 convention: 'There is a commitment embedded in the Jewish faith and tradition to freedom and fairness, to social justice and equal opportunity – *tikkun olam* – the obligation to repair this world.'^{vii}

This innovative term reflects a greater centrality of social activism, but it is by no means a new phenomenon in the American Jewish world which was prevalent in the Jewish liberal and socialist circles since the turn of the 20th C. "Social action" was the term used in the Reform movement where it has long been a central mitzvah and a mark of the prophetic tradition they so value. Anyone born before 1960 would recognize this term "*tikkun olam*" as a new term, but its spirit is partially embodied in the more traditional terms *geulah*/redemption (Lev. 25) and *tzedakah umishpat* which we discussed above (Chapter #1). However in popular usage the term has lost its sharpness and often become just a synonym for any socially beneficial act, like giving tzedakah, visiting the sick, volunteering for the soup kitchen, or helping Africans to dig a well. I would like to maintain a strict distinction between tzedakah, the maintenance of the poor within a system of social welfare, and *tzedakah umishpat* and *tikkun olam* which seek to reform institutional practices in society.

Tikkun Olam = "Repairing the World" suggests less - making financial contributions (tzedakah) to the needy, but more - hands on activity in society including collecting garbage and building homes for the indigent (Habitat for Humanity). It usually refers not only to relief work such as *gemilut hesed* – emergency care for the ill and feeding the hungry after a hurricane, but also fixing the socio-economic system, often requiring sustained political and judicial activism. It clearly does not apply to supporting high culture, such as philanthropic contributions to the opera or museums or Torah education, nor to paying dues to synagogues or day school tuition. It includes the absorption of immigrants to Israel from Ethiopia or Russia, but term "world" in *Tikkun Olam* implies that it is also a universal concern for human beings without regard to their religion or ethnicity. Those involved in ecological movements who warn of the destruction of the environment by human generated pollution understand *Olam* as the earth and *Tikkun* as humans mending the damage they themselves have caused. For them the *Tikkun* encompasses not only political action to reform economic policies and regulation of big industry through legislation (*takkanot*, rabbinic enactments), but also self-reformation of one's personal habits. Personal lifestyle may involve exploitive and wasteful use of the natural resources (such as eating beef, using non-recyclable plastic grocery bags, or consuming corn-based food). One's lifestyle has a carbon footprint that directly endangers the world ecology. The leftwing social activist and latter rabbi, Arthur Waskow,^{viii} speaks of "eco-kashrut" as a spiritual-ethical-halakhic discipline that regulates individual and communal lifestyle. Might my daily activities or my consumer spending, however small, contribute to a larger movement to fix the world – or to ruin it? Jill Jacobs, a rabbi who has led a Jewish organization for social justice shares this insight:

"The popularity of the term *tikkun olam*, and the general emphasis on its mystical (Lurianic), rather than rabbinic, roots may indicate a desire to place one's own work in a larger context of influencing the greater world. In an individual's search for the meaning of his or her own life, it may be more compelling to think of one's every action as contributing to the repair of the cosmos, than to think of the same actions as simply accomplishing a small fix to a much larger problem."^{ix}

While the popularity of the term, *Tikkun Olam*, is recent, it is *not* a Hebrew neologism. It has connotations that predate its use to describe Jewish social action with its 20th C. American resonances.⁴ It draws on very rich, but

⁴ "The first use of the expression *tikkun olam* in [the United States] was by Shlomo Bardin, the founder of the Brandeis Camp Institute in California in 1941 with the support of Justice Brandeis, the Zionist leader. Bardin focused on the notion of *tikkun olam* at

radically divergent, traditions of the Bible, the prayerbook, the Mishna, and Kabbalah. Just as we have tried to map the religious, cultural and practical significance of the terms *geulah*, philanthropy, *tzedakah* and charity, so, much more briefly, we will perform the same service for *Tikkun Olam*. Here we acknowledge the excellent summaries already prepared by Jill Jacobs,^x Lawrence Fine,^{xi} Hillel Halkin, Gilbert Rosenthal,^{xii} Avi Sagi,^{xiii} Menachem Lorberbaum,^{xiv} Sagit Mor,^{xv xvi xvii} and J.J. Schacter.⁵ By examining the evolution of the term *tikkun olam* we hope to sharpen and enrich the understanding of this inspirational term, and develop a better conceptual bridge between ancient and modern notions of perfecting society.

In this chapter we will review six classical strands in the narrative of *Tikkun Olam*:

A. *Tikkun Olam* as Ecological Stewardship of the Natural World Threatened by Human Destruction

First, we begin with a proto-ecological midrash in which the Rabbis apply the first Biblical use of the root of *tikkun* (Ecclesiastes 7:13) to the Divine Creation.

B. *Aleinu* and the Religious Vision of God's Universal Kingdom. *Tikkun* appears in the ancient prayer *Aleinu* which since the Crusades is recited daily at the conclusion of every Jewish prayer service. Thus the term became a standard motif of a Jew's daily liturgical vocabulary and eschatological hope. In *Aleinu* one prays for a Divine intervention to bring about universal rule of God. In the 12th C. Maimonides fleshes out this Divine plan showing how Christianity and Islam have contributed to the gradual universalization of the acknowledgement of God's sovereignty.

least as early as the 1950's. Bardin believed that the *Aleinu* prayer [which, among other things, refers to the restoration of God's sovereignty] was the most important expression of Jewish values, particularly the expression *le-taken olam be-malchut shaddai*, typically translated as 'when the world shall be perfected under the reign of the Almighty.' While the *Aleinu* clearly has in mind the eradication of idolatry, and universal faith in the God of Israel, Bardin understood these words to refer to the obligation of Jews to work for a more perfect world.

By 1970, the expression "*tikkun olam*" was adopted by United Synagogue Youth, the national youth organization of the Conservative Movement [as well as the Reconstructionist social action program]. In that year it changed the title of its social action programs from "Building Spiritual Bridges" to "*Tikkun Olam*" [and used it in 1988 in the Conservative Movement's principles of social justice]. None of these institutions, however, appear to have been influenced by kabbalistic conceptions. However, by the late 1970's and early 1980's ... *tikkun olam* became identified with Kabbalah [Jewish mysticism]." (Lawrence Fine, "*Tikkun Olam* in Contemporary Jewish Thought")

⁵ J.J. Schacter points out that concern for social action for the benefit of the whole society – Jew and non-Jew - was not prevalent in America among religious denominations – as opposed to Jewish socialists – until the early 20th C. :

"A major shift occurred in America shortly after the turn of the twentieth century. In 1919 Mordecai M. Kaplan was using his pulpit at the Jewish Center on the Upper West Side of Manhattan to 'fulminate' in favor of unions, workers' rights, a five-day work week - positions that evoked significant opposition among his wealthy congregants.

[Simultaneously] the value of social justice became very important in the Reform movement. At its annual meeting in 1918 the Committee on Synagogue and Industrial Relations of the Central Conference of American Rabbis (CCAR) adopted the first social justice resolution of Reform Judaism:

'[In] the next few decades ...the world will busy itself not only with the establishment of political, but also with the achievement of industrial democracy through social justice. The ideal of social justice has always been an integral part of Judaism.'

The CCAR submitted a declaration of principles calling for a more equitable distribution of profits, a minimum wage, a compulsory day of rest for workers, a safe and sanitary working environment, the abolition of child labor, universal workmen's health insurance, and more.

Michael Meyer [a historian of modern Jewish history and the Reform movement] ascribed this emphasis to two influences, both of which came from outside Judaism: the American Progressive movement and the Christian Social Gospel movement. However, this emphasis and interest were not widely shared across the American Jewish denominational spectrum. In the larger American Jewish community, social justice was simply not a priority." (J.J. Schacter, "Tikkun Olam: Defining the Jewish Obligation" in *Rav Chesed*, essays in honor of Haskel Lookstein, edited by Rafael Medoff, 189f)

C. Rabbinic Legal Reform: For the Sake of the Public Interest. *Tikkun* appears in a cluster of Mishnaic rabbinic legal reforms conceptualized as forms of *tikkun olam*.

D. Maimonides' Theory of Government: *Tikkun Olam*. Maimonides sees *tikkun olam* more broadly than particular legal reforms or eschatological hopes. For him it is a religious political of the monarch. Maimonides thus transforms the idea of the messianic universal kingdom into an earth-bound, political goal that can be accomplished through human political action by a just, wise and powerful monarch. But such *tikkun* is not a once and for all messianic change, but rather entails an ongoing process of governmental enforcement of a just society.

E. The Mystical Redemptive Process and the Human Vocation: Repairing a Broken World. The Kabbalist and Hasidic usage of *tikkun* is itself thoroughly spiritual, but it has inspired a model of reform and redemption of the whole world based on human empowerment. Mystical *tikkun* and contemporary ecological *tikkun* both seek to affect cosmic processes, beginning with micro-activities in one's personal life.

F. Modern Jewish Thought on the Vocation of *Tikkun Olam*. Finally, we re-enter the modern world through the theology of some great contemporary modern Jewish thinkers who have made *tikkun olam* central to the human calling and the Jewish vocation. Here the grand narrative of tzedakah and *Tikkun Olam* provides a mandate for giving to the needy as part of the process of perfecting the world. Thus we return full circle to the beginning of our book where we read Maimonides's introduction to the laws of tzedakah and its emphasis on tzedakah as the pursuance of Abraham's Divine calling to be a blessing to the whole world by teaching the way of tzedakah (justice) and law.

In our appendix in the ultimate chapter of the book we conclude the exploration of the term *tikkun olam* in relation to legal and social reform by studying the masterful Rabbinic tale of Rabbi Shimon Bar Yochai, who himself undergoes a process of *tikkun*. He begins as an uncompromising apocalyptic, utopian, mystic revolutionary. He initially seeks to destroy earthly society for its corrupting compromises with Roman civilization. For eleven years he withdraws from this economic-political nightmare, but then emerges from his cave to become a constructive reformer of his city and to make life easier for the inhabitants of the urban center, who just want to save some time walking to their destination. That too is called *Tikkun Olam*.

A. *Tikkun Olam* as Ecological Stewardship: The Natural World Threatened by Human Destruction

Ironically the first use of the term *tikkun* insists that the humans are *incapable* of fixing God's world. In Biblical Wisdom literature, such as Ecclesiastes and Job, the meaning of individual human life is sought within the cyclic world of nature created by God. Sometimes it seemed that human labor was futile for it would all be swept away by time. Ecclesiastes opens, *Vanity of vanities all is vanity* (Ecclesiastes 1:2). This might be more colloquially translated: "*futility of futilities*" or "*ephemeral of ephemerals*." Its pessimistic message about the limitation on human planning and control is based on a cyclical understanding of nature that encompasses the social and economic world of human civilization. It is almost diametrically juxtaposed to the ethos of Gen. 1:26-28 where humans are valued for their divine abilities to rule God's creation and continue the process of creation of order out of chaos by imposing their will and their forms on raw nature. In Genesis humans are stewards or even co-partners with God, but in Ecclesiastes human power appears as nil against the cosmic order of God.

"Consider God's doing! Who can straighten/fix (l'takein) what God has made crooked (m'uvaat)?" (Ecclesiastes 7:13).

The Biblical message may be that human beings cannot hope to change the world GHod created even if aspects of the Creation appear "crooked" or unjust. Yet the rabbinic midrash uses this verse to appreciate how well made the world and to enhance human responsibility to guard the world from being ruined.

"When God created the first human beings, God led them around the Garden of Eden and said: "Look at my works! See how beautiful they are—how excellent! For your sake I created them all." (Midrash Kohelet Rabbah 1 on Ecclesiastes 7:13)

On one hand, this midrash raises the value of human life to its heights. The world is created not only for human stewardship, but for human enjoyment, as it says in Genesis 1 and 2. On the other hand, the midrash goes on to warn humans that they may end up destroying the beautiful world which God has given them because Divine creation is vulnerable to human actions. But people can *only* ruin, not repair, what they have made "crooked." Human repair is *not* an option, so human restraint and precaution is urgent.

"See to it that you do not spoil and destroy My world; for if you do, there will be no one to repair it (l'takein)." (Midrash Kohelet Rabbah, 1 on Ecclesiastes 7:13).

Genesis 1 and Ecclesiastes 1 prefigure both modern and postmodern consciousness. Genesis 1 is modern in its celebration of the human power to transform the natural world into a tool for human benefit as mandated by God, while Ecclesiastes sounds post-modern in its ironies about human hubris and its insistence on developing a self-critical awareness of human limits to reason and will. Humility is called for in response to the delicate ecological balance of the natural world.

B'al Tashkhit – "You Shall Not Destroy"

The Torah and thereafter the Rabbis were very aware that *Tikkun Olam*, mending the world, is preceded conceptually by the mitzvah to refrain from destroying the world. Human beings in war as well as in economic exploitation of the land may tend to destroy or at least betray the trust God gave them from which humankind is meant to survive and to benefit for generations. Appreciating the value of natural resources and human resources, harboring them as useful goods for human flourishing, is conceptually prior to distributing them to all who need them. Managing one's needs and one's resources and distinguishing between wants or luxuries

and needs is essential for individuals and the community in order to redistribute the wealth to the poor and preserve resources for future generations.

Let us briefly examine the rabbinic principle of “do not destroy” that appears in the Torah in the context of human wars, especially those fought for conquest and spoils, rather than for survival in a total war of defense.

*“When in your war against a city you have to besiege it a long time in order to capture it, **you must not destroy its trees**, wielding the ax against them. You may eat of them, but you must not cut them down. Are trees of the field human to withdraw before you into the besieged city? Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siege-works against the city that is waging war on you, until it has been reduced.” (Deuteronomy 20:19-20)*

From the prohibition of the destruction of trees – fruit trees – in war, the Rabbis developed their ecological legislation and rationale as well as its implicit limitations. The prominent modern Orthodox scholar Norman Lamm^{xxviii} summarizes many key sources explicating the value of the material world in Rabbinic thought. He notes that the Rabbis criticized historic wars described in the Tanakh when they appear to violate the laws in Deuteronomy 20:19-20. For example, King Hezekiah stopped the fountains in Jerusalem by blocking the Gihon spring during the war against the Assyrian siege by Sennacherib (II Chronicles 32:2-4, 30). The Rabbis, who regarded denying water to a fruit tree as equivalent to chopping it down (Sifrei), declared Hezekiah a sinner (TB Pesahim 56a). When the prophet Elisha counseled the another king to pursue a “scorched earth” policy (II Kings 3:17-20), Maimonides considered this a *prima facie* violation of the Torah.

The Rabbis treated the fruit trees’ immunity from destruction in time of war as the enunciation of a general principle that transcended the value of nature and included human artifacts:

*“And not only trees but whoever breaks vessels, tears clothing, wrecks that which is built up, stops fountains, or wastes food in a destructive manner transgresses the commandment of *b’al tashkhit* (‘you shall not destroy’)”^{xxix} (Maimonides, Laws of Kings 6:8)*

So too it is forbidden to kill an animal for no benefit or to offer exposed water (presumably polluted or poisoned) to livestock.^{xx} The responsibility to preserve valuable resources rests not only on the individual owner but on all Israel.^{xxi} Resources both in the public and the private domain must be protected, and even those in ownerless or wilderness areas:^{xxii}

*“Rabbi Joseph phrases a broader principle: ‘One should not spill water out of his pool at a time when others need it’ (TB Yevamot 44a). That is, **one should never spoil an object or an opportunity even where the gain or loss refers completely to another individual and not to oneself.**”^{xxiii}*

The purpose of the commandment of “do not destroy,” *b’al tashkhit*, is to train humans to love the good by abstaining from all destructiveness:

“For this is the way of the pious ... those who love peace, are happy when they can do good to others and bring them close to Torah and will not cause even a grain of mustard to be lost from the world whereas the wicked rejoice at the destruction of the world.” (Sefer HaHinukh, Mitzvah #529).

As it says in the Talmud, “Nothing that the Lord created in the world was superfluous or in vain” (T.B. Shabbat 77b), hence human beings must not depreciate or destroy anything of value. Therefore even indirect destruction of fruit trees, such as diverting an irrigation ditch which will deny the tree its flourishing, is prohibited (Sifre to Deuteronomy 20:19). From this one may generalize a principle relevant to public policy - to minimize collateral damage done to the environment through otherwise valuable activities, like developing polluting industries or turning forest into agricultural land.

However the Rabbis did not treat the law in a literalist way nor restrict its application to protection of nature out of romantic worship of nature over human artifice. Human benefit was most important, for God created the world for human use – “*God said: Here I have given you all the vegetation ... and all the trees which bear fruit ... for you to eat*” (Gen. 1:29). Therefore, Norman Lamm observes:

“Non-fruit-bearing trees are exempt from the law of *b’al tashhit*, as are fruit trees that have aged and whose crop is not worth the value of the trees as lumber (TB Baba Kama 91b). Also, fruit trees of inferior quality growing amidst and damaging to those that are better and more expensive, may be uprooted (TB BK 92a). Commercial values do play a central role in the law. Thus the fruit tree may be destroyed if the value of the crop is less than its value as lumber as mentioned above or if the place of the tree is needed to build a house thereon.^{xxiv} Such permission is not granted, according to the later authorities, for reasons of esthetics or convenience, such as landscaping.^{xxv} However, the economic interest is not overriding; it must yield to considerations of health so that in case of illness and when no other means are available to obtain heat, fruit trees may be cut down and used for firewood (TB Shabbat 140b). Even when the criterion is a commercial one, it is clear that it is the waste of an object of economic value per se that the halakhah considers unlawful.”

Norman Lamm notes that the Rabbis boycotted socially those who disregarded practices that waste the resources of Creation and even attributed premature deaths to Divine punishment for such ecological sins:

“The Talmud relates that Rabbi Hanina attributed the untimely death of his son to the latter's cutting down a fruit tree prematurely (TB Baba Kama 92b). The Rabbis hesitated to pay a social call to a dying scholar who, for medicinal purposes, kept a goat in his house in order to drink its milk: the goat despoils the grazing land and hence is to be banished from such pastures (TB Baba Kama 89a). The Tabernacle was built of acacia wood (Exod. 25) [not fruit trees] to teach man that if he wishes to build a house for himself, he should not despoil fruit trees for this purpose (Exodus Rabbah 35). Even though one is halakhically permitted to destroy a fruit tree, if he wishes to build his home on its place, nevertheless, according to Sefer Hasidim of Yehuda Hasid he should refrain from doing so.”
xxvi

One of the Babylonian Rabbis most devoted to a personal practice of minimizing his “carbon footprint” so-to-speak was Rav Hisda.

“Rav Hisda used to say: One who can manage by eating [inexpensive] barley bread, but instead eats wheat bread, has violated the mitzvah of “do not destroy” – *b’al tashkhit*.
“Rav Papa used to say: One who can manage to drink beer but instead drinks wine has violated the mitzvah of “do not destroy” – *b’al tashkhit*.” (TB Shabbat 140b)

While not favoring ascetic practices that damage oneself, which are forbidden, Rav Hisda holds that one must preserve goods that do not replenish themselves naturally, while preferring to consume those that do not. Thus, the human body can regenerate itself after receiving some scratches, while human artifacts like a garment may suffer permanent damage:

“Rav Hisda, whenever he had to walk between thorns and thistles, used to lift up his garments [so that his skin, instead of the cloth, would be ripped], because my body heals itself, but garments do not heal [i.e. repair] themselves.” (TB BK 91b)

Perhaps this is akin to a principle of **sustainability** since the human body has the power to regenerate itself, while the garments do not. However the Talmud refused to make Rav Hisda’s ecological practices into a general norm, for they held that preserving one’s body comes first. This is especially clear regarding health needs, preserving human life takes precedence over minimizing use of natural or man-made resources.

“Rav Judah: A footstool was broken up for [a fire to warm] Rabbah [who was recovering from illness or bloodletting]. But Abaye said to Rabbah: But you are infringing the prohibition ‘do not destroy’?!”

“Rabbah retorted: The mitzvah, ‘do not destroy,’ applies to conservation of my body and my body takes precedence over conserving the footstool.” (TB Shabbat 129a)

The ecological aspects of *Tikkun Olam* and the prohibition of destroying the world are not, for the Rabbis, about preserving nature at the expense of human life, but cultivating a sustainable civilization for human benefit.

To Till and to Tend, To Preserve for the Next Generation and to Develop

Ismar Schorsch, historian and former Chancellor of the Jewish Theological Seminary, emphasizes the rabbinic concern that the promised land, flowing with milk and honey thanks to its cultivation by its previous inhabitants, not to be taken for granted as a resource to be consumed. On the verse “*When you enter the land and plant any tree for food*” (Lev. 19.23), he brings an artful midrash that make this point and he explicates its homiletic craftsmanship:

“Even though you find it [the promised land] filled with good things, you should not say. ‘Let’s sit back and not plant.’ On the contrary, you must care about seedlings, for Scripture says – *and you plant any tree for food.*” (Lev. 19.23)

“The author of our midrash begins boldly by turning what appears to be no more than a sequence of events into a moral obligation, for just as when you [plural] entered the land and found seedlings planted by others, so you are obliged to plant for your children. **God expects us to turn over the land to the next generation, to our progeny, with its resources intact.** The land is not ours to dispose of, but only to make use of with reverence and responsibility.

Nor is this an obligation that lapses in old age:

“No man should presume to say: I am old. How many years do I have left? Why should I exert myself for others if tomorrow I may die?” With this twist, the midrash has effected a psychological shift from the people as a whole to the individual. The general command to maintain the land in good order can be realized only if every Jew feels addressed directly.”^{xxvii}

To underscore the intergenerational commitment to appreciate what we have inherited and to pass it on to the next generation, the Rabbis tell a wonderful story of an old farmer planting fruit trees and a young warlike emperor who meet. The anecdote is designed to echo the mitzvah in Deuteronomy 20:19-20 about the immunity of fruit trees from destruction in military campaign. It also contrasts the here and now egotism of the emperor who generates wealth through war and conquest and the farmer who takes the long-term view of investments typical of agriculture. Schorsch continues:

“Our homilist then musters an unforgettable story to drive home his point. On one of his military campaigns to crush a rebellious province, the Roman emperor Hadrian met an old Jew planting fig shoots. Struck by the futility of his labors, the emperor stopped to inquire. ‘Why should you, an old man, exhaust yourself for others?’ To which the man responded, ‘My Lord the King, indeed I am engaged in planting. If I should merit it, I will eat of the fruit of my shoots; if not, my children will eat them.’

After three years of warfare, Hadrian happened to return to the same spot, only to find the same elderly farmer. Recognizing the emperor from afar, the man filled a basket full of ripe figs from his first harvest (*bikkurim*) and offered them to the emperor along with a gentle reminder of their earlier conversation. In admiration Hadrian ordered his soldiers to fill the basket with gold coins and return it to the farmer.

The paradox is exquisite: a feeble, old Jew teaching the world's mightiest man of war a lesson about the limits of power. The land is not ours to lay waste. A concept of **stewardship** must define our relationship. The tale clearly implies that if instructed by God 'to till and tend' His garden, human beings are duty-bound to preserve capacity for sustenance."^{xxviii}

Finally Schorsch concludes with the midrashic scandal that God also works the land and plants trees not with selfish aims in mind, but for the benefit of human beings:

"Our homilist closes with a wholly non-utilitarian argument both daring and novel: ultimately it is God's own behavior that should impel us never to cease from planting.

"As if God said to Israel, learn from Me. For am I ever in need? And yet Scripture says, *The Lord God planted a garden in Eden, the east* (Gen. 2:8)."

To care for the earth ought to be an ultimate value inspired by the very lack of necessity for creation itself. The simple biblical narrative pulsates with theology. The garden of Eden looms as the paradigm for the ideal stance toward nature, a relationship based on altruism, not duty or self-interest."^{xxix}

Rabbinic ecology requires planting, not just refraining from destruction. The term *tikkun* sometimes means 'to fix,' but it also means 'to prepare' or to transform by human artifice as when making seeds into mustard. Human industry and culture help perfect and develop the latent potentialities of nature. God left much work for humans to do to complete the Creation process. This point is made in the following profoundly-theological rabbinic story:

"The wicked tyrant Rufus once asked Rabbi Akiba, 'Which are more pleasing, the works of God or those of human beings?'

Rabbi Akiba replied, 'The works of human beings.'

Rufus asked, 'Behold the heavens and the earth - can human beings make anything like them?'

Rabbi Akiba replied, 'Do not bring an argument from things which are altogether beyond human capacity. Speak only of things which human beings can do.'

Rufus replied, 'Why do you circumcise your children?'

Rabbi Akiba said, 'I knew this was the point of your question. That is why I pre-empted you and said that the works of human beings are more pleasing than those of God.'

Rabbi Akiba then brought out grains of wheat over against cakes, and said, 'These are the work of God and those the work of human beings. Are the cakes not more agreeable than the wheat?'" (Tanhuma Tazria)

Human beings need to reclaim for their habitation the resources of nature by developing agriculture and industry. That is an ongoing task with a Divine mandate as well as a practical necessity which must be satisfied before achieving higher spiritual and cultural life. In the Middle Ages, the term *Tikkun Olam* was also applied to the maintenance of a fragile civilization, the physical habitat produced by human labor. Rabbenu Bahya (13th C. Spain), understood these terms as referring to the **economic civilization** that makes physical life sustainable and on top of which spiritual pursuits may be added. Bahya writes in *Duties of the Heart*:

"People are involved with *Takanat HaOlam* in plowing and harvesting, in buying and selling and the other activities people do for *Yishuv HaOlam* [i.e. maintaining human habitation of the natural world]."^{xxxxxi}

Maimonides, too, speaks of “fixing the physical aspect of the world - *tikkun haguf*” as a goal of government that is responsible for the physical infrastructure of settled life (Guide to the Perplexed III 27). Maimonides also speaks of character traits, that when pursued with the appropriate balance, help “civilization (*Yishuv haOlam*) survive by means of commercial activities of buying and selling among human beings.” (Laws of Character Traits 7:8).^{xxxii} To extract economic resources out of nature by making it productive is useful, not necessarily abusive. Sustainability of human life is the goal.

Tikkun Olam, then, involves both negative and positive mitzvot, conserving the beauty of the physical world and appreciating the Creator’s wisdom embodied in its intrinsic order, but also cultivating nature to maximize its potential for human civilization. The circumcision is then not a mutilation of all perfect nature, but its improvement in a ritual act that symbolizes the need to reform or civilize human sexuality.

Today some conservationists have no faith in human wisdom and view human industry as interference in nature. They insist on minimizing such interventions that subordinate nature to human needs. Other ecologically conscious activists believe humans can repair, not only damage, the environment on a global scale. In both cases human beings whose wants and power have increased, must learn to fix and modulate their desires and their hubris.

B. *Aleinu* and the Religious Vision of God's Universal Kingdom

The Rabbinic text on *tikkun olam* most accessible to 20th C. liberal Jews is *Aleinu*, the ancient prayer recited at the end of each service. In its original liturgical context *Aleinu* is triumphantly sung with majestic cantorial music in the most attended services of the Jewish year, the High Holidays. *Tikkun olam* appears in the *Aleinu* prayer (as early as 5th C. CE and maybe earlier) in the Rosh Hashanah liturgy of *malkhuyot*, where all the creatures of the earth reaffirm God’s coronation or kingship.^{xxxiii xxxiv} The first section of the *Aleinu* prayer speaks of Israel’s loyalty to God’s reign and in traditional synagogues all the congregants bow and even prostrate themselves, kneeling on the ground before the King of kings when reciting this prayer on the High Holidays. The second section envisions the whole world accepting Divine sovereignty. The pregnant phrase “*l’takein olam b’ malkhut Shaddai*” - “**to establish the world under the kingdom of God**” appears here. The hope is for monotheism to replace paganism, for “they bow to nothingness and emptiness, to a god that cannot save.”

“Therefore we hope and trust in you Adonai our God, expecting to see soon your great power in removing idolatry from the earth, and idols will be cut off, and [You will] repair the world by establishing the [direct] rule of God’s kingdom (*l’takenin olam b’ malkhut Shadai*). .. All the wicked will turn to You. All the residents of the world (*tevel*) will acknowledge and know that all must bow to you their knee and swear [to You their loyalty] in every language ... Then all will accept the yoke of your kingdom and You will soon reign over them for ever.” (*Aleinu*, Rosh HaShanah Prayerbook, Amidah, Coronation Ceremony)

While most Jewish liturgy focuses on the people of Israel’s welfare alone, like the prayer for peace at the end of the Amidah and at the end of the Kaddish, *Aleinu* explicitly encompasses all humankind in its messianic vision. Appropriately, Rosh Hashana celebrates both the creation of the whole world (Rabbi Eliezer) and the coronation of God as king of the whole world (*melekh ha-olam*). Thus it provides a natural bridge to the ideas of world government, a world court, and world peace in the modern era. The prophetic verse, *It will be on that day that Adonai will be monarch over the whole earth and on that day Adonai will be one and his name one* (Zecharia 14:9), concludes the *Aleinu* and echoes the most universalist visions of the Biblical tradition.

Aleinu's liturgical vision of cosmic monarchy is given halakhic authority in Maimonides. For him *tikkun olam* refers to the acceptance of God's sovereign kingship in a messianic universal monotheistic world order. For Maimonides this is mediated through a messianic but human king. This is a unique aspect of the messianic king's calling. The Jewish messiah is not only a scholar of Torah, a son of David's dynasty, who successfully gathers in the exiles, fights God's wars, and rebuilds the Temple, but also prepares (*l'takein*) the whole world to serve God together as prophesied, *Then I will transform the language of the peoples into pure speech, so that all of them may call on the name of Adonai to serve him shoulder to shoulder* (Zephania 3:9). The great historical false messiahs, according to Maimonides, also contributed to the Divine plan to fix the world by spreading monotheism:

"Jesus the Christian and the Ishmaelite who arose after him are instruments to straighten the path for the messiah king and fix the whole world (*l'takein olam*) to worship God together." (Maimonides, Book of Judges, Laws of Kings 11:4)

Maimonides fleshes out his messianic vision with Biblical proof-texts, but he also invents his own terminological innovation, the messianic goal "to elevate the true religion." He interprets monarchial *tikkun* as part of a historic Divine calling to which Christianity and Islam have already contributed by spreading the knowledge of God (Laws of Kings 11:4). For Maimonides *tikkun olam* is primarily a **universal religious mission to spread monotheism through the establishment of worldwide government headed by a king who is also a scholar of Torah**. That fits as well the original meaning of *Aleinu* as a proclamation of God as king of the whole earth.

However Liberal Jews cannot easily identify with *Aleinu*'s emphasis on true religious belief, rather than pluralism, on state coercion to achieve religious unity, on religious loyalty without tolerance for non-monotheistic religions. As Jill Jacobs^{xxxv} comments, "Most contemporary Jews who extol the value of *tikkun olam* certainly do not understand this term as a mandate to impose worship of the Jewish God on all other peoples." However they would be amenable to a process of *tikkun olam* that favors *voluntary* acceptance of a world court, a world government and the universalization of the ethical laws of the Torah and the prophetic vision of world peace as inscribed on the UN building:

*"Many peoples will come and say: Come, let us go up to the mountain of Adonai, to the temple of the God of Jacob.
He will teach us his ways, so that we may walk in his paths.
The law will go out from Zion, the word of Adonai from Jerusalem.
He will judge between the nations and will settle disputes for many peoples.
They will beat their swords into plowshares and their spears into pruning hooks.
Nation will not take up sword against nation, nor will they train for war anymore."* (Isaiah 2)⁶

Both the author of *Aleinu* and Maimonides held that the belief in God was necessary to a just world order.

⁶ **Plowshares Movement:** On September 9, 1980, Daniel Berrigan, his brother Philip Berrigan, and six others (the "Plowshares Eight") began the Plowshares Movement under the premise of beating swords into plowshares. They trespassed onto the General Electric Nuclear Missile facility in King of Prussia, PA, where they damaged nuclear warhead nose cones and poured blood onto documents and files. In UN there is a "Let Us Beat Swords into Plowshares" sculpture donated by the Soviet Union in 1959.

C. Rabbinic Legal Reform: For the Sake of Public Interest

David Hartman, my teacher, has taught that the greatness of a legal system lies in its ability to correct itself, just as the market system needs mechanisms for constant feedback, reform and adjustment in light of the unforeseeable interactions between law and nature. On the moral-spiritual and personal level the analogue to the self-corrective legislative system is the *teshuvah* system of individual repentance, while in politics periodic democratic elections are thought to allow and to encourage correction of government excesses. *Tikkun ha-midot*, correcting one's character flaws, is of the same cloth as *tikkun haguf*, repairing and keeping up the health of the body politic.

The technical term *tikkun olam* first appears in the Mishna Gittin 4-5 among a cluster of laws^{xxxvi} which had to be adjusted by the Rabbis to avoid **unintended negative side effects**. In its context in the Mishna, what needs *tikkun* is not the world but the legal system. It must be mended through activist legislation. It is the interaction of the letter of the law and human behavior that inadvertently produces negative social consequences. Fixing or adjusting the laws, then, fixes or "fiddles" with the social world as it interacts with the legal system. The legal philosopher Suzanne Last Stone explains:

"*Takkanot* adjust laws to changed circumstances. They 'straighten' out irregularities which have developed over time....The ideal of *tikkun olam* implies the process of adjusting laws to historical and contingent circumstances, so that human beings can live in social harmony."^{xxxvii}

Somewhat analogously, the Western legal tradition, going back to Aristotle, has recognized that positive law, the letter of the law, must be modified in the name of **equity or fairness**, since following the law does not automatically coincide in practice with justice.

"The interaction of legal justice and common decency is equity. '**Equity**,' Aristotle writes, 'though just, is not legal justice, but a **rectification of legal justice**.' It is the virtue that adjusts the letter of the law to particular cases, not necessarily because there is a defect in the law, but because 'the material of conduct is essentially irregular. When therefore the law lays down a general rule, and thereafter a case arises which is an exception,' the person of common decency attempts to 'rectify the defect by deciding as the lawgiver would himself decide if he were present."^{xxxviii}

Equity is concerned with exceptional cases – the individuals in their uniqueness that have been inadequately addressed by general rules. But in the Rabbinic tradition the modification of law "for the sake of **Tikkun Olam**," is not only about justice for individuals who fell between the cracks but also about the welfare of the social world, the public good.⁷

Moshe Halbertal and his student Sagit Mor^{xxxix} have traced the origin of *tikkun olam* to its Mishnaic context in which *olam* means the **human world as situated in the physical environment**. In the ancient world, human civilization was considered vulnerable to depopulation and to the return of cultivated nature to a wild, infertile, uninhabitable wasteland. This is the opposite of today when our greatest concern is overpopulation and the destructive effects of human industry on nature.

Tikkun Olam's earliest usage refers to the **civilizational mission** to settle the world.

⁷ Analogous terms appear in this same Mishnaic catalogue: "the enactment (*takana*) regarding the encouragement of return of the value of stolen property (*taqqanat hashavim*)," "for the population of the world" (*yishuv ha-aretz*), "for the maintenance (*tikkun*) of the altar" (*tiqqun ha-mizbeah*) (Mishna Gittin 5:5-7), and "for the sake of peace" (*darkei shalom*) (Mishna Gittin 5:9-10).

“One who is half a slave and half free - works for his master and for himself on alternate days. This was the ruling of the school of Hillel.

But the school of Shammai said: You have fixed (*tikkantem*) matter for the master but not for the slave. It is impossible for him [being half-slave and half-free] to marry a female slave because he is half-free. It is impossible for him to marry a free woman because he is half-slave. Shall he then remain idle [unable to procreate with a legal framework]?!

Wasn't the world made to be populated, as it says, *God did not create it as waste, but formed it to be inhabited* (Isaiah 45:18)?!

For the sake of *tikkun olam*, therefore, his slave master must be compelled to liberate him and give him a bond [a loan] until he can repay the purchase price.

The school of Hillel thereupon retracted [their position] and ruled as did the school of Shammai.” (Mishna Gittin 4:5)

The Mishna cites Isaiah 45:18 where God's concern for procreation is related to the desire to settle an otherwise uninhabited and uncivilized world. Then it confronts the contradiction between that grand Divine scheme and the unfortunate legal marital situation of a slave whose owner liberated only half of the slave. Property rights and Divine plans collide. In the initial case the half-slave and half-free status of the servant generates a Catch-22 situation where the slave is damned if he does and damned if he doesn't. Then Hillel's school attempted corrective measure makes things worse while trying to make them better. The slave is now unable to marry. That affects negatively not only his natural rights but God's *telos* for the world – human reproduction to maintain civilization i.e., *tikkun olam*. So Shammai's school cites Isaiah's paean to the Creator and the Creation:

*For thus said Adonai, the Creator of heaven who alone is God,
Who formed the earth and made it, Who alone established it —
God did not create it a waste [tohu], But formed it for habitation:
I am Adonai, and there is none else" (Isaiah 45:18)*

The prophet recalls God's creation of order out of chaos, *tohu*, translated here as “waste” and God's mandate to all human beings:

Be fertile and increase, fill the earth and master it; and rule the fish of the sea, the birds of the sky, and all the living things that creep on earth. (Gen. 1:28)

As Sagit Mor shows there are many other examples^{x1} of “modification” (*tikkun*) of the law in this Talmudic section that refer to borderline legal cases of personal status affecting marriage and hence reproduction.^{xii} She sums up the first meaning of *tikkun olam* as a matter of repairing the “world,” rather than merely a *tikkun* for individual rights:⁸

⁸ Sagit Mor explains the legal subtleties of the Mishna:

“The [1st C. legal] schools of Hillel and Shammai dispute the legal-personal or public status of Canaanite slaves of a mixed status caught in a no-man's land between slavery and freedom. The halakhot seek to eliminate this borderline status and to classify each person as either entirely enslaved or free....The **perspective of the school of Hillel is thus economic and instrumental, and does not take into account a potential problem for the slave.** ..

The **school of Shammai** ...relocates the discussion, moving it **from the realm of labor relations to the question of humankind's place in the created world.** In practical terms, the school of Shammai therefore seeks to resolve a problem in the domestic sphere of the partially freed slave, but through reasoning that relates **not to his individual rights but, rather, to his purpose in the world.** ... The resolution of the personal-legal status of the semi-manumitted slave enables the individual to avoid an otherwise intolerable reality in which one would be a full member of neither group and, as a result, be denied the possibility of contributing to the population of the world.”

“The school of Hillel's 'master's enactment' is therefore limited to improving the economic state of a single individual – the master. Conversely the “slave's enactment" is to be understood as *tikkun olam* for its objective is not the betterment of one party's situation, but rather the **improvement of the entire world, in its relationship with God** ... The primary meaning of the term *tikkun olam* is a mechanism for the ensuring that the commandment to reproduce, as a way of populating the world, be upheld within the halakhic limits regarding these matters.”

Tikkun Olam: Settling for Less than Ideal Social Betterment

In the Mishna Gittin we encounter two examples of *Tikkun Olam* regarding tzedakah: (1) making interest-free loans for the poor and the amnesty on the repayment of still unrepaid loans at the end of each Sabbatical year and (2) the redemption of captives.

In the case of the Sabbatical year and the release of loans, *shmittah*, the lenders relinquish their right to dun or threaten the poor borrowers to repay the debt. The Torah was well aware that the mitzvah of making interest-free loans and the mitzvah of nullifying them, "letting them go" unpaid permanently, created a paradoxical logic for the lenders. Even the generous ones giving interest free loans had no natural desire to make them automatically into tzedakah gifts. So Deuteronomy resorts to moral exhortation and warning:

Be very careful lest there be in your heart an evil thing, saying: 'The seventh year is approaching, the Sabbatical Year,' [lest] your eye be jealous and bear evil intent (ayin hara) towards your brothers [who are] poor, and you will not want to lend to them - but this will be a sin for you. (Deuteronomy 15:9)

Therefore Hillel acted very boldly in his judicial-legislative function to find a loophole that circumvents and in effect suspends the Sabbatical mitzvah of annulled loans, and yet fulfills the larger purpose of these laws – to help the poor survive economically.

Rabbi Alfred S. Cohen explains Hillel's reasoning and his legal mechanism as it was latter interpreted in the Talmudic discussion: ^{xliii}

“Rabbis do not have the authority to cancel a Torah imperative nor to override that which the Torah forbids. However, Hillel realized that, in effect, observance of the law mandating cancellation of all debts -- part of whose rationale is to prevent the poor from being saddled with a crushing burden of debts -- resulted in the poor being deprived of the ability to borrow, so that they were actually worse off than they might have been without the protection of [the annulment of loans] *shemitat kesafim*. Furthermore, by not lending, the rich were committing a severe transgression, ignoring the Torah's command to help out the poor (Deuteronomy 15:9).”

“Under the circumstance, Hillel devised a system -- the *pruzbul* which would permit a debt to be collected even after the Sabbatical Year, yet without violating the Torah's command. In this way, he would actually be helping all Jews -- the rich would not shirk their responsibility to help the poor, and the poor would benefit by being able to borrow money to tide them over a rough spot.”^{xliiii}

Similarly, the Mishna uses the concept of *Tikkun Olam* to explain the cap on ransoms to be paid for the **redemption of captives** (Mishna Gittin 4:6). Why a cap? Isn't liberating captives considered “**a great mitzvah**” (*mitzvah rabbah*)” (TB Baba Batra 8b)? Isn't captivity worse in some ways than starvation and death?

Maimonides rules that he who ignores ransoming a captive is guilty of transgressing commandments such as *you shall not harden your heart*” (Deut. 15:7); *you shall not stand idly by the blood of your brother* (Lev.

19:16); and *you shall love your neighbor as yourself* (Lev. 19:18).^{xliv} One who delays in ransoming a captive, is considered like a murderer.^{xlv} Indeed, Maimonides⁹ himself wrote letters exhorting his fellow Jews to redeem captives and the Cairo Geniza contains receipts to Jews who donated funds for that purpose written by Maimonides himself!^{xlvi} In the modern context of politically motivated kidnappings, the Israeli government has had to struggle with the limits of its concern for the life of the captives against concerns for national security.^{xlvii}

Yet the Mishna restricts the performance of this “great mitzvah” in the name of *Tikkun Olam*, though those captives will suffer and perhaps be murdered or sold as slaves:

“One does not ransom captives for more than their [market] value because of *tikkun olam* and one does not help captives escape because of *tikkun olam*.” (Mishna *Gittin* 4:6 = *Bavli Gittin* 45a)^{xlviii}

The Babylonian Talmud gives two different explanations for this *takkanah* (Rabbinic enactment):

- (1) “because of the [financial] burden on the community,”^{xlix}
- (2) “so that they [=the robbers] should not seize more captives,” i.e., paying a higher than normal ransom for captives which will encourage kidnappers to capture more Jews and demand still higher ransoms. (TB *Gittin* 45a)

On the first rationale, any private individual is **permitted** to spend as much as is necessary to redeem their captive, since the ransom costs do not come out of the public coffers.¹ On the second rationale the Mishna demands individuals hold the line of the community's policy to get tough with kidnappers. A loving and rich parent would then be **prohibited** from paying an exorbitant ransom for their own child. One must then sacrifice one's own child's best interests and perhaps their life for the long term policy interest of getting tough in negotiations with kidnappers.

A famous case of refusing to be ransomed for the sake of *tikkun olam* is the Maharam of Rothenburg (1220-1293), Rabbi Meir ben Baruch, a great Talmudist in Germany. To escape the persecution of Jewry in Germany, Rabbi Meir took his entire family in 1286 and set out for the Land of Israel. However, while passing through Lombardy, Rabbi Meir was recognized by an apostate Jew who was accompanying the archbishop of Mainz. The archbishop had Rabbi Meir arrested and taken back to Germany. There by order of King Rudolph, Rabbi Meir was imprisoned in the fortress of Ensisheim and held for ransom. A sum of 20,000 marks was raised for Rabbi Meir's freedom, however, he forbade his friends and followers to pay any ransom for him. For he believed that once ransom were paid for him, every noted rabbi in Germany would be arrested and held for ransom by the various German rulers. He preferred to die there, in order to save many others from a similar fate by creating a dangerous precedent. For seven years Rabbi Meir remained a prisoner in that fortress, until his death in 1293. After he died, his body was not surrendered until 14 years later, when a heavy ransom was paid.

Similarly many in the Israeli government and military intelligence opposed the campaign for the release of Gilad Schalit, the kidnapped Israeli soldier held by Hamas in the Gaza strip for five years incommunicado. The

⁹ Mark C. Cohen argues that Maimonides' formulation of the laws of captives are directly shaped by his experience as fundraiser for ransoming captives in Egypt. He lists an unprecedented seven biblical prooftexts to establish the overwhelming significance of such contributions and declares it the highest priority in tzedakah. Isadore Twersky commented on exceptional cases of amplification in the Mishneh Torah. “The statement about ransoming captives, with its repetition, stringing together halakhic commands and prohibitions, and exhortation, has a deep pathos which gives the passage a rhythm of its own and almost produces a visual representation of the suffering and possible tragedy which prompt and unstinting giving of charity will prevent. One is also tempted to conclude that only a person who had traveled the Mediterranean and experienced its hazards and anxieties could have written such moving prose.” (Twersky, *Introduction to the Code of Maimonides*, 340 cited in Mark R. Cohen, “Maimonides and Charity in the Light of the Geniza Documents,” 71)

family campaigned that almost any price be paid and finally the government in 2011 capitulated releasing over 1000 convicted Hamas terrorists who had murdered Israeli civilians and who had shown no remorse and whose organization, Hamas, had not changed its policy and ideology of destroying Israel by military and terrorist means. Did the exchange of prisoners constitute a mitzvah or a violation of *tikkun olam* that will make the next kidnapping happen sooner and the exchange price be set even higher?

Jill Jacobs summarizes succinctly the generalized legal function of *Tikkun Olam* that takes into account both the concern for a realistic functioning system and the needs of the most vulnerable:

“For the sake of *tikkun ha’olam* – **for the sake of the repair of the world – justifies forbidding a practice that, while technically legal, threatens to disrupt the system as a whole.** ...In all of these *mishnaic* cases, we might translate *mipnei tikkun ha’olam* as ‘**for the sake of the preservation of the system as a whole.**’ Within the Mishna, this phrase is invoked in response to situations in which a particular legal detail threatens to overturn an entire system. That is: *gittin* [writs of divorce] of uncertain status may lead to adulterous marriages or to unnecessary celibacy; allowing individuals to be half free and half enslaved will prevent some people from fulfilling the biblical mandate to marry and procreate; and ignoring the inherent challenges of debt-forgiveness may lead to a wholesale disregard for the institution of *sh’mitta*. By invoking the concept of *tikkun ha’olam*, the rabbis fix the flaw that endangers the stability of the system as a whole....**These *tikkun ha’olam* fixes all ensure that those who are most vulnerable are able to live full lives, rather than be restrained by a system that favors the more powerful.**”^{li}

Paradoxically, *Tikkun Olam* for the Rabbis begins with the humble recognition that the social, political, economic world as it exists will *not* allow for the implementation of the ideals of the Torah. Law will have to be adjusted to reality, so that some social improvement can be achieved. Perhaps limiting the ransoms will moderate the plague of captives taken for ransom and circumventing the Sabbatical cancelation of debts will making interest free loans to the needy attractive enough for private lenders. Those who are "broke" will not get a Divinely mandated “break” that cancels their outstanding loans (as bankruptcy laws do today) and those whose relatives or communities are willing to pay any sum to save the lives and liberties of the victims of economically motivated kidnapping may rot indefinitely in their captors’ hands or worse.

Overall, one may say that halakha displays a uniquely non-utopian ethos and a modest legal notion of *tikkun olam*. Avi Sagi makes this point as follows:

“The *olam* in this halakhic concept denotes the actual social reality within which human beings function, and the *tikkun* relates to the amendment of distortions or injustices in this context; ***tikkun olam* is not the repair of the entire cosmos. In halakhic literature, *tikkun olam* denotes a concrete action meant to correct a specific wrong, not a comprehensive reorganization of reality by placing another, perfect world as an alternative to it.** The act of correction reaffirms the concrete, routine social order; the act of correcting a specific wrong relates to one or another aspect of life that is reaffirmed through the limited character of the act of amendment, not to the whole of life.^{lii} In sum, for Halakhah as the mainstream Jewish tradition, the constitutive assumption of its meaning structure is **a critical, non-utopian perception of *tikkun olam*** and a system of norms meant to attain it.”^{liiii}

In modern Jewish thought my teacher and mentor, the Jewish philosopher David Hartman has developed such a non-utopian view of halakhic tradition:

“The covenant does not suggest any promise of resolution for the finite human condition. Rather, it teaches the community how to be responsible for its social and political existence even within the uncertain and possibly tragic conditions of history and even though many events are beyond human control.”^{liv}

D. Maimonides' Theory of Government: Ongoing *Tikkun Olam*^{lv}

Tikkun in Rabbinic Governmental Functions

The root of *tikkun* in Rabbinic usage often refers to governmental tasks. Normal judicial or legislative activity to preserve a body politic requires new or revised **legislation**, called *takkanot*, enactments, whose root derives *tikkun*. For example, in Ashkenaz there was burst of halakhic creativity unprecedented in Jewish history from 1000- 1400. The local Jewish communities legislated hundreds of *takkanot* with rabbinic approval based on majority rule of the Jewish city councils. For example, as noted above in Chapter 10, Rabbenu Gershom (11th C. Mainz) inaugurates the era of such legislation with the *takkana* that taxes may be collected by the authority of the city council:

“If the Kahal has established a *takkana* for the poor or for any other purpose with the agreement of the majority, then the minority may not refuse to obey it saying, ‘Let us go to the court to discuss the matter,’ for everything depends on the views of the Elders of the city, according to the ancient custom or the needs of the hour.”^{lvi}

However *tikkun* also includes the **executive functions of supervising execution of the law**. The Rabbis in the Talmudic and the medieval world often served in public roles as judges, as tzedakah officials, and as governmental supervisors of public safety and market – “to regulate (*l'takein*) fair market prices.” Much economic legislation was concerned with *takkanat hashuk* – fixing the market¹⁰ using the same verb as *Tikkun Olam*. Some interpreters think the Rabbis recited a blessing over their activity of executing justice:

“Rabbi Hagai recited a blessing before doing a particular activity with Rabbi Jeremiah.” (TJ Berakhot 6a)

What was this activity and what was the blessing?

¹⁰ *Takkanat hashuk*, the reform or repair of the market, is an example of the need to correct the impractical and undesirable results of following the law too strictly. The halakha may be draconian in two ways regarding stolen property. On one hand, if someone steals a book from your house and sells it to another and you find your book, then you ought to be able to reclaim it. However that would undermine the market principle that one buys and pays for objects and trusts the system that it is now his possession. On the other hand, the halakha also holds that if the owner lost something and despaired of getting it back, then it is officially ownerless. When something without special markings is stolen, then people despair quickly that they will ever get it back. So one who buys it without knowing it is stolen, has now gained a legal right to keep what the owner despaired of finding. The market system “works” in this latter case, but the original owner still feels cheated that he cannot reclaim what was his and what he never intended to relinquish.

Therefore the Geonim established a reform:

“What is the *takkanat hashuk*, the reform to maintain the market? One who bought something from a well-known thief and then the original owner found it, then he takes it back from the purchaser without compensating the purchaser to whom one says: You caused your own loss for you should not have made a purchase from a well-known criminal. But if one made a purchase from someone not known for theft and the original owner may reclaim his possession from the buyer, but then let him pay compensation for what the purchaser paid. For if you told the purchaser that he receives no compensation when the original owner appears, then no one would buy anything in the market again.” (Hilchot Reu, Otzar haGeonim to TB BK Responsa #311) (Nahum Rakover, *Takkanat HaShuk*, Ministry of Justice, Israel, Studies in Hebrew Law #25)

In the case of Jewish books even if a Jew buys them from a well-known non-Jewish thief or the government that confiscated them, then the original may claim them back from the purchaser, but must also reimburse the purchaser, for otherwise Jews will not purchase stolen Jewish books at all and then the non-Jews will throw away the Jewish books which have no buyers. (Ritba on TB BK 58a; Maharam TB BB #289 or Mordekhai to TB BK #151)

“Rabbi Elazar Azikri identified this activity as supervising the market to maintain honest measures and weights and he explains that the blessing recited was: “who sanctified us to sanctify measurements and balances and to regulate (*l’takein*) fair market prices.” (*Sefer HaHaredim*)

Rabbi A. Fulda says: The activity was serving as judges in court and the blessing was: “who commanded us *to judge one’s fellow justly*.”¹¹

The role of the judge is to supervise social justice and order in society is well-attested in the case of the Babylonian Talmudic scholar, Rav Huna. He combined personal wealth typical of the plutocracy of ancient municipalities and legal scholarship with an official role in maintaining social order. His tale teaches much about the need to balance one’s interventions into society to “fix” it.

“Raba said to Rafram ben Papa: Tell me some of the good deeds which Rav Huna had done. He replied: On cloudy days [indicating an incoming storm or according to Rashi, gale winds] they used to drive him about in a golden carriage and he would survey every part of the city and he would order the demolition of any wall that was unstable [lest the rains cause its collapse; if the owner was in a position to do so he had to rebuild it himself, but if not, then [Rav Huna] would have it rebuilt at his own expense.

On the eve of every Sabbath [Friday] he would send a representative to the market and any vegetables that the [market] gardeners had left over he bought up and had then, thrown into the river.¹¹

Should he not rather have had these distributed among the poor?

He was afraid lest they would then at times be led to rely upon him and would not trouble to buy any for themselves.

Why did he not give the vegetables to the domestic animals?

He was of the opinion that food fit for human consumption may not be given to animals.

Then why did he purchase them at all?

So as not to cause a crisis in the future.” (TB Ta’anit 20b)

Rav Huna was concerned lest the farmers seeing that not all their produce was sold, cut back on planting and in the future there would not be abundant fresh produce in the market.

His example reflects three interesting principles of *tikkun olam* in governing society. First, he prepares for impending disasters by establishing and enforcing a building code to avoid the collapse of buildings during storms that may lead to flooding. However he also took part in enforcing these norms for passing good legislation is inadequate without enforcement.

Second, he realizes that the poor are often those who violate codes and live in the most dangerous dwellings as regards public health. So enforcing order also means causing additional hardship to the needy who live in condemned buildings and cannot afford to bring them up to code. Therefore he combines strict law enforcement with generous social welfare – out of his own pocket. While clearly a man of wealth and comfort who likes to make an impression when traveling through town in his gold carriage, he still cares about the public welfare

¹¹ Rashi seeks to justify how Rav Huna could have thrown the produce into the river and thus violated the law against wasting resources. He explains that the food was placed on a raft and that the population down the river benefited from it (Rashi on TB Taanit 20a-b)

and goes out on a stormy day to make sure that all will have safe dwellings when the weather turns inclement and disaster approaches.

Third and most unusual, Rav Huna takes care of public health by cleaning up the leftover fruits and vegetables in the market and yet he refrains from using these leftovers for tzedakah for the poor, even though on a personal level he is very generous to all the needy in town.

“Whenever he discovered some [new] medicine he would fill a water jug with it and suspend it above the doorstep and proclaim, Whosoever desires it let him come and take of it.

“When he had a meal he would open the door wide and declare: Whosoever is in need let him come and eat.¹² Raba said: All these things I could myself carry out except the last one because there are so many poor in Mahuza.” (TB Ta’anit 20b)

Rav Huna is careful not to “rock the boat” of patterns of supply and demand, lest the producers decrease supply when they see the unsold surpluses. He therefore buys up the surplus. Yet he does not give it away to the poor, lest they become dependent on government largesse rather than procuring food themselves. One must assume the poor he has in mind are not totally destitute but rather have the ability to purchase foodstuffs on their own. The 13th C. commentator, the Meiri generalizes Rav Huna’s behavior into a halakhic guideline:

“Even though tzedakah is a very great mitzvah and even more so on the eve of Shabbat and holidays, still a *hasid*, pious person, will avoid making it a regular practice to hand out readymade food unless he knows that every day he will have surpluses available, lest the poor rely on this readymade food [and wait for last minute gifts] and end up [when tzedakah is not available] with their Shabbat [meal] cancelled.” (Meiri, Beit HeBehira, Ta’anti 20b)

Rav Huna is a wonderful example of the highly developed sense of public service promoted by the Talmudic rabbis who realized that such service would be at the expense of their private scholarship.

“As long as one is but an ordinary scholar (*haver*), he has no concern with the congregation and is not punished [for its lapses], but as soon as he is appointed head and dons the cloak [of leadership], he must no longer say: ‘I live for my own benefit, I care not about the congregation,’ but the whole burden of the community is on his shoulders. If he sees a man causing suffering to another, or transgressing, and does not prevent him, then he is held punishable.

The Holy Spirit then exclaims, *My son, if you have become a guarantor (arev) for your neighbor’- you are responsible for him, because ‘you have shaken hands making a commitment to be guarantor on behalf of another (zar) (Proverbs 6:1).*

The Holy Blessed One says to him: ‘You [by assuming office] have placed yourself in the arena (*zira*)’, and he who places himself in the arena stands either to fail or win.”(Exodus Rabbah 27:9)

Leadership in the public “arena” entails not only responsibility but also a struggle reminiscent of the athletic contests of the Greco-Roman world where one may easily fail but must compete with all one’s prowess. These Rabbinic sources introduce our theme - the complex and challenging political role of fixing the world through governmental activity. Such public activity was viewed as the work of Heaven and it was permitted on Shabbat even though making private business arrangements is prohibited.

“It is permitted to discuss Heavenly pursuits [on Shabbat] such as calculating expenses for performing a mitzvah such as a tzedakah account or the costs of mitzvah banquet or raising (*poskim*) funds for tzedakah. Similarly **it is permitted to supervise and tend to public business for nothing is a greater Heavenly pursuit greater than that! ...**

¹² Apparently Rav Huna’s invitation to the poor to join him for every meal became the basis for the practice on Seder night to open the door and proclaim: “Let all who are hungry come and eat.”

Making public announcements is also prohibited except for announcing a lost object ... and proclamations concerned in any way with fixing the city (*takanat* of the city) or the public. Such was the practice [on Shabbat] at international trade fairs to announce the names of those who do not pay their bills faithfully, for even though this concerns an individual, it affects the public conduct of commerce and the needs of the many, so one may announce it on Shabbat." (Arukh HaShulkhan OH Shabbat 306:13-14)

Tikkun in Maimonides' Theory of Government

"The object of our legislation ... is not the special welfare of any particular class in our society but of society as a whole; and it uses persuasion or compulsion to unite all citizens and make them share the benefits which each individuality can confer on the community; and its purpose in fostering this attitude is not to leave anyone to please himself, but to make each man a link in the unity of the whole."
– Plato (*The Republic* 519c-520a)

Now we will see how Maimonides develops his governmental approach to *tikkun olam*.¹³ Many medieval thinkers and jurists, as Suzanne Last Stone argues, conceive of *tikkun olam* as simply maintaining law as fairness and preventing social harm in society. However, in my judgment Maimonides has larger and more proactive visions. The narrower notion is identified with the seven mitzvot of Noah whose purpose includes *dinim*, the judicial system of any state.^{lviii} Rabbi Yochanan derives the Noahide laws^{lix} from Abraham's mandate to teach *tzedakah umishpat* (Gen. 18:19) which, according to Rabbi Moshe Isserles, only means: "to obey the conventional rules of government and to adjudicate between persons equitably...purely a law for social accord."^{lx} Those judicial procedures which embody legality are identified by some as natural law, for "had they not been written [in the Torah], it would have been proper to have written them" (TB Yoma 67b).^{lxi}

However *tikkun olam* for Maimonides is typically bigger than a minimal legality of fairness or any particular legislative reform, like those of the Mishna Gittin. In fact, as Menachem Lorberbaum (the Maimonidean and Hobbesian political philosopher, my friend and colleague at the Hartman Institute) notes, when citing the Mishna's change in the laws "for the sake of *tikkun olam*," Maimonides never cites that particular rationale for that particular reform because for him all legislation, the whole halakhic system, is "for the sake of *tikkun olam*."

"The Mishna of Gittin mentions several cases where the law must be adjusted to achieve social peace, social order and maintain population. Maimonides who includes these classic cases of *Tikkun Olam* in his code of law nevertheless does not bother to mention that term when citing them. Why? because *all* governmental legislation has this same general purpose – *tikkun haguf*, physical preservation."^{lxii}

¹³ Maimonides assigns a wide range of responsibilities to the state in way that recall Hegel's state.

"In Hegel's time the term "police" (*Polizei*) denoted much more than the maintenance of public order and the enforcement of law, comprising a wide field of government activity in the free market. For Hegel, it includes the regulation of commerce and industry, the provision of public goods such as streetlights and bridges, and finally the provision of necessities for the poor. It also includes 'policing' in the narrower sense of preventing crimes (and other harms) and apprehending criminals. This latter activity is to be distinguished from what goes on in the administration of justice: whereas the 'role of the legal system is to annul infringements of right, that of the police is to prevent them.' (LNR #92R). One of its chief functions pertains to the provision and oversight of 'arrangements of public utility': government regulation of commerce and industry, the inspection of commodities, the building and maintaining of public works, the provision of public services, and so forth. Hegel gives a good idea of what he has in mind here when he says that the 'police should provide for street-lighting, bridge-building, the pricing of daily necessities, and public health' (PR, g236A). Government intervention in the market is necessary to make sure that common necessities such as bread are not priced too highly." (Paul Franco, *Hegel's Philosophy of Freedom*, 266-267)

Maimonides continues to be very aware of the failures or limitations of law. Due process alone does not solve real life problems. But he raises the issue to the level of political philosophy – the *telos* or purpose of the state which is itself *Tikkun Olam*.¹⁴

In Maimonides one may identify four different understandings of *tikkun olam* of which we have already seen three:

- (1) The first is **cultivation of the physical world for human habitation**. After removing malformations of nature,^{lxiii} there is a positive goal of the flourishing of human social and spiritual health, that is, *yishuv haolam* – settling and civilizing the world.
- (2) The second use refers to the **religious rule of the world by the messianic king** who will bring all human beings to declare their loyalty to monotheism. Both meanings of *tikkun olam* are for Maimonides the goals of *all* good states - maintaining the physical and spiritual health of society.
- (3) Third is the ongoing **legislative activity** – *takkanot* - of a wise government making new laws or adjusting laws according to changing conditions.
- (4) Finally, Maimonides adds an **executive and the judicial function of good government** - protecting the body politic from manipulative and violent enemies, internal and external, even if it is necessary to go beyond the

¹⁴ Maimonides' approach to *tikkun olam* entails expanding the discretionary power of the king, the executive function, including the suspension of many legal safeguards that make it more difficult to punish those who threaten social order and social justice. For Maimonides judges also have such discretion and they may function either according to the Torah procedures or according to their own discretion to achieve the order desired by the Torah.

"It has been taught: Rabbi Eli'ezer b. Jacob says: I have a tradition that a court may impose flagellation and [other] punishments not [warranted] by the Torah; not to transgress against the words of the Torah, but rather to make a hedge for the Torah" (BT Sanhedrin 46a)

His view follows a strong tradition of Spanish legal authorities who also played key roles in Jewish communal governments, such as Rashba, Solomon Aderet and Nissim Gerondi. The RaN, Nissim Gerondi developed the most extensive theoretical defense of the discretionary powers of the executive in order to perfect society. For he assumes a Hobbsean world of violence that must be controlled by central authority in order to maintain social order which is what he means by *tikkun hamedina*, fixing the order of society (the state):

"It is known that the human species needs magistrates to adjudicate among individuals, for otherwise **'men would eat each other alive'** (**Avot 3:2**), and **humanity would be destroyed**. Every nation needs some sort of political organization [*yishuv medini*] for this purpose, since even "a gang of thieves will subscribe to justice among themselves." Israel, like any other nation, needs this as well .. Hence the need to punish so as to enhance political order [*tikkun seder rnedini*] and in accordance with the needs of the hour, even if the punishment is undeserved according to truly just law [Torah]. ... [By Torah law] the political order cannot be fully established by these means alone, For punishing criminals in this way alone [by Torah standards of evidence in a capital case] would completely undermine political order: murderers would multiply, having no fear of punishment. That is why God ordered the appointment of a king for the sake of civilization. ... The king may impose a sentence as he deems necessary for political association [*ha-kibbutz ha-medinil*, even when no warning has been given. The appointment of a king is equally essential for Israel and all nations requiring political order ... That is why some of the laws and procedures of the [gentile] nations may be more effective in enhancing political order than some of the Torah's laws. This, however, does not leave us deficient, since any deficiency regarding political order was corrected by the law of the king.... The king was appointed to perfect the political order and [to meet] the needs of the hour....

... [Now] if the king annuls any commandment for the sake of addressing [the needs of] his time, he should have no intention of transgressing against the words of the Torah, nor in any way removing the yoke of the fear of Gad. Rather, his intention should be 'to observe faithfully every word of this Teaching as well as these laws'. Anything he adds or takes away must be done with the intention of furthering the observance of the Torah and its commandments. For example, ... his intention should be to advance the realization of the commandment "*You shall not murder*" (Exod. 20:13) and ,

Therefore, the king should not see himself as the governor and lord of the people, but as **a servant unto them for their benefit**." (Nissim Gerondi (Ran), *Derashot* 1, 1320- 1376, Barcelona, Spain)

bounds of law and due process. For both the judges and the monarchs must achieve the end of justice and of order against the wicked. Maimonides opens his Book of Judges which describes the tasks of judges and monarchs with the verse: *Open your mouth, judge for justice, argue the case of the poor and destitute* (Proverbs 31:9).

The monarch is to suppress criminal activity that causes chaos through violence, and terrorizes witnesses and judges, thus undermining the judicial system. "For were it not for the fear of government, one would swallow one's fellow alive" (Mishna Avot 3:2). The king also fights wars against warlike states led by wicked leaders guided by corrupt values. Usually within a society immorality can be managed through education and enforcement using due process in courts and punishments. But sometimes the "wicked" are so powerful that they threaten the social and judicial order from within. Then emergency measures such as martial law must be invoked though such extraordinary measures violate or suspend judicial procedures. Paradoxically, that too is *tikkun olam* for Maimonides, even though it is in some sense extra-legal.^{lxiv} Rabbenu Nissim of Gerona calls that governmental task – *tikkun seder medina*, fixing or regulating the order of the state.^{lxv}

Therefore monarchs and judges must have special courage to establish order. Judges are warriors against the wicked, "men of valor" and "persons of truth" (Exodus 18:21) which Maimonides describes as follows:

Men of valor - judges should have a brave heart to rescue the exploited from the exploiter, as it says: Moshe arose and saved the daughters [of Yitro at the well who were victims of the shepherds robbing them of their water] (Exodus 2:17).

Persons of truth – pursuing justice on their own initiative voluntarily, loving truth and hating corruption and fleeing from iniquity.” (Laws of Sanhedrin 2:7).

Remarkably Maimonides instructs judges to go beyond the literal application of law and go beyond the evidence to achieve truth:

“A judge in monetary cases should use follows his own opinion about what he thinks is the truth, when he thinks strongly that it is correct, even if there is no clear proof. ...For the law is dependent on the heart/mind of the judge according to what appears to be a true judgment.” (Laws of Sanhedrin 24:1)

When faced with suspected subversion of justice through manipulation of the law, then the judge can change legal procedures, for example, demanding that the plaintiff rather than the defendant must take an oath.

If the judge thinks the plaintiff is subverting justice and perhaps hiring false witnesses, but he cannot prove it, he should excuse himself from the case but not decide against his intuition (Laws of Sanhedrin 24:3). The judge can act as does the monarch in a state of emergency, outside the law:

“A judge may expropriate property and violate property rights according to what he sees is necessary to repair broken fences of religion and strengthen order to fine someone who forces his will on others by violence ...or place under a ban one who is not legally subject to a ban as the judge sees what is necessary for those times ...or tie up hands and feet, arrest and incarcerate them in prison, and push and pull them on the ground.”

“But do not let the honor/dignity of human beings be light in your eyes ...and especially be careful not to destroy the honor of the children of Abraham, Isaac and Jacob who hold the Torah is true - except to increase the honor of the Torah.” (Maimonides, Laws of Sanhedrin 24:6-10)

Zeev Harvey, the Maimonidean scholar, analyzed a case in which Maimonides himself overturns a judgment on appeal on grounds of subversion of justice by an unscrupulous husband and his judicial consultant. In Responsum 365 Maimonides reacts vehemently to a husband who in order to divorce his wife without paying her marriage *ketubah* claimed that he wished to make aliyah to Israel from Egypt. When his wife refused to

make aliyah, the law said that automatically she has forfeited her *ketubah* payment and now there will be no economic disincentive for her husband to fulfill his spiritual calling. Incidentally this is an egalitarian law. If a wife wants to make aliyah and her husband refuses, then he must divorce her and pay the *ketubah* (Mishna Ketubot 13:1).

To overturn the legal precedent that the unscrupulous husband was exploiting, Maimonides cites the mitzvah of “*justice, justice you shall pursue - tzedek tzedek tirdof*” (Deut. 16:20) and “the right/duty of the judge to follow what his eyes see,” that is to follow his intuition (TB Baba Batra 131a). He reformulates the law on aliyah and divorce as follows:

“Only one who wants to make aliyah ***who is considered to be kosher (a person of integrity) and who has no previous quarrel with his wife at all***, may obligate her to make aliyah with him.” (Maimonides, Responsum #365)

Thus Maimonides excludes known loopholes that allow the manipulation of the law. Then Maimonides turns his venom on the dishonest lawyer who advised the exploiting husband to outsmart his wife and use the judges to enforce his heartless plot. In the name of justice and the rights of women economically abused by their husbands, Maimonides preaches with pathos to the judge from Alexandria who had brought him this appeal:

“That little weasel who taught that legal maneuver and such like him violate the prohibition to support transgressors and to collude with the wicked (see Exodus 23:1).

“Anyone who seeks excuses to escape from economic obligations like withholding wages is an exploiter just like a robber. There is no difference between one who obligates himself to pay wages and then seeks excuses not to pay and one who does so with his wife to avoid paying his bride-price. That is what the Torah taught us when Judah said, *I sent this goat to pay* for the prostitute (Gen. 38:22)... It is easy for most men to cause their wives pain in order to exempt them from paying their *ketubah*. But it is worthy to beware of this iniquity and to prevent those engaged in it, as it says, *Break the arms of the wicked* (Psalm 10:15) and rescue the exploited from the exploiter!” (Responsum #365)

Emergency Commissions for Social Reform

Maimonides conceived ritual fast days as opportunities not only for communal spiritual revival but for judicial commissions of inquiry about corruption and the immediate elimination of the rule of wicked men of violence. The trigger for such a communitywide fast is the threat of oncoming disaster, such as drought or war. However, these are viewed not as inevitable natural disasters but as threatened punishments for the normative failures of Jewish communal life. The shofar is blown and repentance is called for, because:

“If we do not cry out and blow the shofar of warning, people might say: What is happening is just the way of the world and this occurrence is only an accident. But that is a cruel way to respond and it causes us to hold fast to evil behaviors and it will lead to more and more calamities.” (Laws of Fasts 1:3)

It is this denial of determinism, so characteristic of Maimonides, that activates social soul-searching and reform. But beyond a sermon about our responsibility and our power to fix the world in an emergency, Maimonides also institutionalizes judicial initiatives.

“On the day of the fast declared [by the leaders] on the community faced by troubles the court and the elders sit in session at the synagogue [literally, the house of communal gathering] to examine the behavior of the residents of the city. They remove obstacles that cause violations and they admonish, investigate and examine the corrupt criminals (*baalei hamas*) who are to be removed [from power] and they subjugate and shame the violent criminals (*baalei zeroa*) and so on.

From the middle of the day until the evening they read about the blessings and curses in the Torah [Deut. 27-28 which describes the horrific punishment of exile if Israel violates its covenant with God] ...and they conclude with reading from the prophets appropriate for the impending calamity, and the last quarter of the day they pray, plead, they cry out and they confess their sins with all their might.” (Laws of Fasts 1:17)

Maimonides' model is drawn from the Talmudic practice of fasting in response to droughts and impending wars but its origins are Biblical. The Book of Jonah is perhaps the best example of national self-examination in response to a prophecy of impending destruction understood as a Divine punishment. The King of Nineveh himself calls for the fast to plead for mercy but only after his people purified themselves of their ill-gotten goods, of *hamas* (theft and robbery) (Jonah 3:5-10).

To understand how that model of fasting as national protest may function in a modern context, consider how the American Protestants were inspired by the Bible to proclaim national days of prayer¹⁵ to mobilize¹⁶ the rank and file to repentance. These fasts were especially prevalent in wartime in the 18th-19th C. In their greatest national crisis, Abraham Lincoln, who viewed the suffering of the Civil War as a Divine punishment for the complicity of the North in the slavery of the South, agreed readily to the Congressional request for a day of prayer, fasting and humiliation on March 30, 1863:

A Proclamation by the President of the United States of America

Whereas, the Senate of the United States, devoutly recognizing the Supreme Authority and just Government of Almighty God, in all the affairs of men and of nations, has, by a resolution, requested the President to designate and set apart a day for National prayer and humiliation.

And whereas it is the duty of nations as well as of men, to own their dependence upon the overruling power of God, **to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon;** and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord.

And, insomuch as we know that, by His divine law, nations like individuals are subjected to punishments and chastisements in this world, may we not justly fear that the awful calamity of civil war, which now desolates the land, may be but **a punishment, inflicted upon us, for our presumptuous sins, to the needful end of our national reformation as a whole People?**

We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. **But we have forgotten God.** We have forgotten the gracious hand which preserved us in peace, and multiplied and

¹⁵ The Continental Congress issued a proclamation recommending "a day of publick humiliation, fasting, and prayer" be observed on July 20, 1775 and promulgated by George Washington:

“The Honorable the Congress having recommended it to the United States to set apart Thursday the 6th of May next to be observed as a day of fasting, humiliation and prayer, to acknowledge the gracious interpositions of Providence; to deprecate [to pray or entreat that a present evil may be removed] deserved punishment for our Sins and Ingratitude, to unitedly implore the Protection of Heaven; Success to our Arms and the Arms of our Ally: The Commander in Chief enjoins a religious observance of said day and directs the Chaplains to prepare discourses proper for the occasion; strictly forbidding all recreations and unnecessary labor.”

¹⁶ National Days of Prayer were declared by Democratic President Truman and thereafter by Republican Presidents Reagan and both Presidents Bush. The first globally publicized "link of prayer" for peace from Jerusalem was in June, 1993 organized by Dan Mazar and the Jerusalem Christian Review, a Jerusalem-based archaeological journal.

In the 2010 drought in Israel the Chief Rabbinate called on synagogues to insert special prayers for rain, when the Holy Ark is opened to take out the Torah. And, the Rabbinate has declared Thursdays a day of fasting, prayer and repentance, asking God for rain.

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enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness.

I do, by this my proclamation, designate and set apart Thursday, the 30th. day of April, 1863, as a day of national humiliation, fasting and prayer. And I do hereby request all the People to abstain, on that day, from their ordinary secular pursuits, and to unite, at their several places of public worship and their respective homes, in keeping the day holy to the Lord, and devoted to the humble discharge of the religious duties proper to that solemn occasion.

All this being done, in sincerity and truth, let us then rest humbly in the hope authorized by the Divine teachings, that the united cry of the Nation will be heard on high, and answered with blessings, no less than the pardon of our national sins, and the restoration of our now divided and suffering Country, to its former happy condition of unity and peace. Issued by President Abraham Lincoln

Public introspection and protest have a role to play, but so do national commissions such as some parade examples from the State of Israel that have teeth to change policy and to remove wrongdoers. For example, in 1982 after the massacre of Palestinian civilians in Sabra and Shatilla neighborhoods by Christian Lebanese militias under the negligent eye of the Israeli occupation of Beirut, about 400,000 Israeli citizens protested, the government appointed the Kahan Commission headed by a Judge Kahan, and the commission recommended that the Defense Minister Ariel Sharon be held indirectly responsible and therefore excluded from further cabinet roles in overseeing the military. Thirty years later in 2011, about 450,000 Israelis protested the lack of social justice in government budgeting that gave tax breaks and monopolies to the rich and made it impossible for the middle classes and working poor to make ends meet. The government appointed the Trachtenberg Commission and its recommendations were immediately approved by the very government against which the 450,000 had been protesting. While this emergency response to popular outrage does not solve systemic problems, it does show the workings of Maimonides' conception of a mass fast day together with a judicial commission.

Maimonides has then a "secular" *tikkun olam* alongside his "religious" vision of the messianic regime of God as King of kings of kings whom all recognize. Both correspond to the goal of *tikkun hanefesh* and *tikkun haguf*, **repairing or maintaining the soul/mind and the body**, just as every human being has two forms of excellence – the perfection of the body on the way to perfection of the soul/mind (Guide to the Perplexed III 27). So alongside the spiritual health of the individual and the state, there is the health of the body and body politic as necessary preparations for spiritual perfection.^{lxvi} The *olam* – the world - needs repair through political action.

For Maimonides, the king is not the embodiment of the state and his reign and so he is not to promote his own glory as a reflection of the collective glory of his kingdom. Rather the monarch is a servant of the people's needs. The king is "busy with Torah and the needs of the community day and night," for the king serves the people (Kings I 12:7).^{lxvii} That is the message of Rabban Gamliel, head of the Sanhedrin (2nd C. CE) when he sought to persuade two scholars to accept the position of judge in the community. They initially demurred claiming to be too humble and unworthy to rule over Israel. Rabban Gamliel retorted famously: "Do you imagine that I am giving you rulership (*srara*)?! I am giving you service (slavery, *avdut*)!" (TB Horayot 10:1). So too that form of humble service is what Maimonides expects of the monarch:

"Be gracious and merciful to great and small, to come and go in order to take care of their possessions (or desires), to do what is good for them, and to protect the honor of even the smallest of the small among them....To suffer their bother and their burdens and their complaints and their rage as a nurse would carry a baby... He is called a

shepherd The way is ... *to gather his lambs in his arm and carry them in his bosom* (Isaiah 40:11).” (Laws of Kings 2:6)

Economic Justice and Social Equality

Serving the people involves military defense, judicial order and for Maimonides also promoting the true religion. But does this concern for *tikkun* – for maintaining the body politic physically and spiritually – also involve economic activities that help the poor as well as maintain the welfare of all citizens/subjects/member of the state?

The role of medieval kings was not usually conceived as providing for the economic welfare of the people, though by winning wars, maintaining justice in market activities and making trade in the empire feasible, the king indirectly improved the general economic situation. However, Maimonides and Aquinas do include economic welfare in the monarch's responsibility for the common good.

“The greatest responsibility for the poor, Thomas Aquinas maintained, was held by the political rulers because they bear the greatest responsibility for the common good. Political authorities are responsible for providing not every good but only the public good that is indispensable for the functioning of the political community. A good ruler seeks to preside over a society that is self-sufficient, that is, one able to ‘procure unto itself the necessities of life.’^{lxviii} This goal leads political authorities to distribute emergency aid in cases of disasters, but most importantly it involves the ongoing task of securing justice, social order, and peace throughout the political community and in its relations with its neighbors.”^{lxix lxx}

Maimonides in his *Guide for the Perplexed* holds **the monarch responsible for the harmonization of economic activities for mutual benefit functions.**^{lxxi} Maimonides cites as proof-text a verse about the Torah's human-centered *telos* - *For Adonai commanded us to do all these laws and to revere Adonai our God for our own good - all the days* (the world to come) *and to help us live today* - in this world (Deuteronomy 6:24).

Then he explicates that principle in the domain of ruling the body politic:

"Fixing the body is removing exploitation one by the other [economic injustice] ... so that each human will not be allowed to do whatever they want and whatever they are capable of doing, but each will be coerced to what produces utility for all." (Guide to the Perplexed III 27)

“The economic laws of justice determine the business conducted, so that they do not go beyond the cooperation that benefits both sides and so neither will intend to increase their own portion of the total, so only they will profit from all others. Therefore excessive profits are prohibited in sales and only regular prices are permitted.” (Guide to the Perplexed III 42)

The greediness of individuals and their anarchic tendencies must be controlled by an impartial judicial system with effective punishments as deterrents and by an executive arm that is capable of “breaking the arm of the wicked” (Laws of Kings 4:10). Therefore, building on the Talmudic precedents,¹⁷ Maimonides creates regulatory body for prices to avoid profiteering:

¹⁷ “There is a controversy concerning price control. The Tosefta (BM 6:4) states: 'There was an official in Jerusalem. He was not in charge of prices but of weights and measures.' A similar statement is quoted by the Gemara (TB BB 89a), where it serves as the basis for a legal ruling by Shmuel. However, the Babylonian exilarch appointed supervisors of prices as well as measures, and when Rav was appointed and failed to supervise prices, he was jailed. The opinion of those who called for price supervision was eventually accepted. Karna, the disciple of Rav and Shmuel, quotes the ruling of Rabbi bar Hama in the name of Rabbi Yitzchak, 'We appoint supervisors both for measures and for prices because of the cheaters.' (Itamar Warhaftig, “Consumer Protection: Price and Wage Levels” in *Crossroads: Halakha and the Modern World*, Vol. I Zomet Institute, Alon Shvut-Gush Etzion, Israel)

"The court is required to appoint officials in every county and every city who will circulate among the stores and validate the scales and the measures and set the prices.¹⁸ ... Anyone who profiteers and sells dearly¹⁹ is punished with lashes (until) he sells at the market price." (Maimonides, Laws of Theft 8:20)^{lxxii}

The philosophy of *tikkun olam* which Maimonides promotes involves a concern not only for the poor and persecuted but for a whole society aimed at a common good – *tikkun haguf*, repairing and balancing the body politic so that the individual's desire for profit would be restrained and balanced so as to serve everyone's needs in a mutually beneficial way. In that sense his notion of society and of economy is at odds with the *laissez faire* free market model in which economic relationships are supposed to be shaped by amoral economic motives of individual profit – "the invisible hand" of the free market that turns private economic vice into public virtue. In Gertrude Himmelfarb's words in her book, *The Idea of Poverty*, she contrasts a traditional view of society that is congruent with Maimonides and the modern market view of the economy. The traditional view is:

"The vision of a society devoted to the common end, valuing communal and spiritual rather than private and material goods, is a standing reproach to modern society, which is presumed to have no higher aspiration than the gratification of economic appetites and no higher principle than self-love and expediency. The contrast is between a moral society and an amoral one."^{lxxiii}

However since the 19th C. "the science" of economics has generally insisted:

"That society is and always has been nothing more than the sum of individuals, that the common end can only be achieved by maximizing individual interests, that the economy is, by definition, a mechanism governed by economic motives for the satisfaction of economic needs, and that religious standards are at best irrelevant to the economic."^{lxxiv}

This chasm between traditional and market notions of society is still the source of great tension in our society as conceptualized by the historian R. H. Tawney:

"Between the conception of society as a community of unequal classes with varying functions, organized for a common end, and that which regards it as a mechanism adjusting itself through the play of economic motives to the supply of economic needs; between the idea that a man must not take advantage of his neighbor's necessity, and the doctrine that 'man's self-love is God's providence,' between the attitude which appeals to a religious standard to repress economic appetites and that which regards expediency as the final criterion - there is a chasm."^{lxxv}

Anarchic Desires and Role of the Monarch

Human nature is so diverse that misery and conflict are inevitable without a strong monarch (Guide II 40). The judge or monarch must enforce the law "so that the world will not be destroyed" (Laws of Kings 10:11). Thus hoarding that forces prices up is also prohibited, as we see in three places in Maimonides:

"One may not hoard foods which are essential to life, such as wines, oils, and flours. Spices... are permitted. This applies to one who buys in the market, but it is permitted to withhold one's own 'produce. In Eretz Israel it is permitted to hoard for three years, namely the sixth, seventh, and eighth years of the sabbatical cycle. During a

¹⁸ The Ramma (Yad Ramma, Baba Batra 90-91 and quoted in the Shulkhan Arukh, *loc.cit.*) states that a merchant is obligated to abide by this law only if there is a supervisory mechanism to insure that all merchants conform to its provisions. If, however, the market is unregulated one does not have to sell cheaper than others.

¹⁹ Shmuel said: "One may not increase the weights or the coins by more than a sixth, and one may not profit more than a sixth." (TB Baba Batra 90a)

drought, one may not hoard even a *kav* of carobs, so as not to bring a curse on the prices [For then the scarcity in the market will drive prices up and the poor will not be able to afford basic commodities]." (TB Baba Batra 90b)²⁰

"One is not permitted to trade in **essential products** in the Land of Israel. Rather, each person brings his own produce and sells it, so that it will be sold cheaply. If oil is plentiful, it is permitted to trade in oil." (Maimonides, Laws of Sale 14:4-5)²¹

"The court is obligated to set prices and appoint supervisors for that purpose, so that it will not be possible for each person to profit as much as he pleases. They should permit him only a sixth for his remuneration and the seller shall not profit more than a sixth." (Maimonides, Laws of Sale 14:1)

When a monopolistic guild has set artificially high prices, the community may counterattack by setting a maximum price²² or by circumventing the monopoly in other ways:

"A woman who has given birth five times [must by law bring five separate sacrifices of doves in the Temple in Jerusalem]... It happened once that the price of a pair of [of doves] in Jerusalem reached a gold dinar.

Rabban Shimon ben Gamliel said: 'I shall not sleep tonight until the price will be a [silver] dinar.' he entered the court and taught: 'A woman who has given birth five times must bring one sacrifice and need not bring the others.' That same day the price declined and reached a quarter of a [silver] dinar.'" (Mishna Keritut 1:7)²³

When up against violent economic activity, stringent enforcement is necessary Maimonides calls this "breaking the arm of the wicked." The original Biblical context in which the king's role is "*breaking the arm of the wicked*" appears is Psalm 10:15 which is replete with many references to the exploitation of the poor (Psalm 10:12-18). Similarly, Maimonides^{lxvii} builds his notion of the messianic king on Psalm 72 which speaks over and over of the responsibility to protect the needy from injustice. Thus it seems reasonable to conclude the executive branch is mandated to use extra-judicial force to protect the needy and weak from economic as well as civil, judicial and political exploitation, but also to enforce the collection of tzedakah which is not included in the seven mitzvot of Noah which only concern preventing harm and injury.

²⁰ "Hoarders, usurers, short-changers, and profiteers are the subjects of the verse in Amos 8:5 .that says, *when will the new moon be gone, that we may sell corn and the Sabbath, that we may set forth wheat, making the measure small, and the shekel great, and falsifying the balance of deceit?*" (Baba Batra 90b)

"We prefer not to declare a public fast on Thursday, so as not to cause profiteering." (Mishna Ta'anit, 2,1)

Rashi explains: "When the storekeepers see that the customers are buying food for two large meals on Thursday night, one for the night and one for Shabbat, they raise prices since they think that a famine is imminent."

²¹ "R. Yehuda says, a storekeeper may not give away nuts or... (candy) to children, because this encourages them to visit him. The Sages (Hahamim) permit it." (Mishna on TB Baba Metzia 60a)

²² Responsa Maharashdam (YD 117), in response to price fixing by the wool dealers, approved the community agreement to fix a maximum price. Rav Yosef Shaul Natansohn: "The butchers in our community have raised the prices of meat and are selling more dearly than (is common) in the area. We have decided that this is opposed to honesty and justice, and wish to make a firm agreement that no one shall buy meat from the butchers until they sell at the price prevailing in other communities of this area." (*Shoel Umeishiv*, v.2, 4,89) (Itamar Warhaftig, "Consumer Protection: Price and Wage Levels" in *Crossroads: Halakha and the Modern World*, Vol. I Zomet Institute, Alon Shvut-Gush Etzion, Israel)

²³ Shmuel warned the sellers of *hadassim* (myrtle branches used together with the *lulav* on Sukkot) not to raise the price of undamaged branches, or he would publicize that clipped branches are also acceptable (TB Sukkah 34b). Shmuel threatened the potters that if they would not lower the price of pots after Pesach, he would permit the use of a pot after the holiday even if it had been used with *hametz* before Pesach (TB Pesachim 30a). The community of Nicholsburg passed an ordinance prohibiting the purchase of fish for two months because the fishermen, knowing that the Jews traditionally purchased fish for Shabbat, had raised the price. Rav Menachem Mendel Krochmal, the local rabbi, consented to the ordinance even though it constituted an affront to the honor of Shabbat. He cited the Mishna in Keritut about R. Shimon ben Gamliel (Responsa of the Tzemach Tzedek, 28).

Another way the monarch can contribute to economic justice and prosperity is in executing the state's responsibility for education to inculcate virtues – “to teach people beneficial traits” (*Guide* III 27). Character traits restrain greed and enhance social responsibility. Thus prosperity through harmonious mutual benefit, economic justice protecting the poor from violent exploitation, and education to self-restraint - not taking more than one’s share - are all part of the monarch's mandate for *tikkun* of society and its physical welfare – politically, judicially and economically.

Here the benevolent monarch can learn from the Divine monarch who has arranged nature to serve all the people's needs. Maimonides follows in the long Muslim-Jewish philosophical tradition of studying God's benevolence witnessed by the organization of nature and then imitating that wisdom. Here one can see how God provides our material needs with moderation, in balance, so as to enable us to fulfill our higher human purposes:

“Bahya (12th C. Spain), author of the *Hovot Halevavot*, advises that one should look for God's subtle grace and benefit. **One's stance toward the material world should be to extract from it only benefits needed for subsistence, not for luxury.** One should look at its benefits as simply provisions on one's journey to the next world. So it is the fool who considers this world an eternal home; one should spend one's life preparing for eternal life in the hereafter. Bahya's insistence on the transitory nature of this world and the desire of the soul to return to its eternal home lends a definite Neoplatonic color to his thought.”^{lxxvii}

In the *Guide* III:12 Maimonides echoes the theme of aiming for subsistence rather than luxury:

“Maimonides discerns four species of evil in the world, although he insists that what human beings regard as evils are not evil in an objective sense. In his analysis of the ‘third species of evil, those that human beings inflict upon themselves,’ Maimonides argues that **if human beings would confine themselves to genuine needs rather than luxuries, they would discover an abundance of natural resources.**”^{lxxviii}

Thus appropriate state-supported education will help people to moderate their expressed material desires and discover that nature has produced sufficient resources for our essential, healthy subsistence needs.

Among the tasks of the king, we find both normal activities, like maintaining justice and fighting wars, along with the pursuit of a religious mission (spiritual *tikkun*) and the relentless pursuit of justice (physical *tikkun*) against wicked enemies of the inner societal order and the world order. These violent forces are the embodiment of such anti-civilization and anti-God forces such as Amalek that first violated humanitarian and religious values in attacking the weakest people at the tail end of the columns of Hebrew refugees leaving Egypt (Deut. 25: 18). Against such enemies of God and humanity the king must fight a preemptive war in God's name:

“All the monarch's actions should be for the sake of Heaven and his goal and thoughts should **be to elevate the true religion, to fill the world with justice, to destroy the power (literally, break the arms) of the wicked** and to fight God's wars. For no other purpose were monarchs crowned but to do justice and to fight wars as [the people said to the prophet Samuel]: *Our king will judge us and go before us to fight our wars*” (I Samuel 8:20).” (Laws of Kings 4:10)

Standard judicial and legislative activity is not enough to maintain justice and order. In emergency situations, according to Maimonides, it is the royal executive's task to fight the wicked by hook or by crook. Political power must undergird the judicial system, even if it takes liberties at times with due process.²⁴ Paradoxically

²⁴ Abraham Lincoln during the Civil War suspended the Constitutional right not to be imprisoned without the procedure of *habeas corpus*. He acted as commander and chief during a war emergency, even without Congressional approval and in defiance of the Supreme Court, but retroactively it was approved. In fact Lincoln’s Emancipation Proclamation (Jan. 1, 1863) also suspended

the same monarch who studies the Torah daily, whose royal behavior is limited by its laws^{lxxxix} and who carries a copy with him everywhere,^{lxxx} often requires extra-legal or illegal activity to achieve effective order.

Tikkun Olam in general refers to the maintenance of a healthy body politic ruled by wise law abiding monarch. However, in defeating the wicked and powerful enemies of this society, it is the king's task to fight wars and "all is fair in war" when fighting those who follow no legal limitations themselves on their activity. The need for emergency measures that require suspension of the unwieldy restraints of the judicial due process is built into the system by Maimonides.

"If the king wishes to kill murderers on the basis of the law of royalty [i.e., executive privilege] and the mandate to bring about *Takkanat HaOlam*, then the monarch has the authority to do so. Similarly the court may see fit according the needs of the time to execute criminals on the basis of **emergency powers to issue necessary orders** (*hora'at sha'a*), then they have the authority to do so, as they see best." (Laws of Murderers and Protection of Human Life 2:4; Laws of Sanhedrin 24:4).

"Though there are crimes more severe than bloodshed [like idol worship], none of them **destroys the civilized world** (*mashkhit yishuvo shel olam*) like bloodshed." (Laws of Murderers and Protection of Human Life 2:4)

Here is an example of the king acting outside and even in direct contradiction to the law. The monarch may violate the conventional restrictions on the judiciary's prosecution of capital crime restrictions, such as mass trials, executions (more than one in one day) and public exposure of the corpses of criminals or traitors. The king may act in this extra-legal way in order to deter lawbreakers - "to cast fear [on the unruly people] and to destroy the power (literally, break the arms) of the wicked."^{lxxxix} So too the king may execute criminals threatening the social order on the basis of evidence that would not be acceptable in a rabbinic court of law, such as relying on one witness instead of requiring at least two. In contemporary terms Western societies sometimes engage in extended detentions under emergency laws or use tainted witnesses or otherwise illegal wiretaps employed against organized crime or Islamic terrorism. For Maimonides the imperative of *Tikkun Olam*, justice and social stability, places these ends above the legal means. One more democratic than Maimonides and one more fearful of the way power corrupts and absolute power corrupts absolutely would perhaps build in a self-corrective democratic mechanism to maintain *tikkun olam*. But Maimonides believes that the devious nature of criminals requires that one bend legal procedures and avoid unjustified compassion. In reference to the verse, *If a person willfully schemes to kill his neighbor – he shall be (even) taken from my altar and put to death* (Exodus 21:14), Maimonides writes that:

"The wicked and calculating person (who killed intentionally and was sentenced to death) – if he seeks sanctuary among us, we must not provide him with asylum and not have mercy upon him...because compassion towards the wicked – is cruelty to all beings." (*The Guide of the Perplexed* III 39)²⁵

Constitutionally-protected rights to property – slaves as property. Therefore Lincoln only invoked his untested powers as Commander-and-Chief to liberate all contraband slaves in slave states that had seceded from the Union and in territories that had not yet been conquered by the Union army. But in slave states like Maryland, that had not seceded, his order did not apply.

Similarly, in a Jewish communal "state of war" *tikkun yishuv haolam* permits executing an informant without the usual due process (Benjamin Zeev, Responsa #286, 16th C. Turkey). For the sake of reconciliation among angry parties Jacob Weill required that a public apology be tendered and he justified his ruling as serving *tikkun olam* (Jacob Weil, Responsa #145, #152 cited in Gilbert Rosenthal. 222).

²⁵ "The case of several people with criminal records who were convicted of serious crimes – armed robbery and the like – and sentenced to long periods of incarceration was adjudicated before the Supreme Court. In rejecting the appeal regarding the severity of the punishment, the Supreme Court wrote in its decision: 'The appellants...all have extensive criminal records indicating that crime has become a way of life for them. Since they declared war on society, society through its institutions – among them the courts, must protect itself from them; there is no recourse other than distancing them from society for an extremely lengthy period, so that they will not be able to cause more damage. No consideration, neither the psychological make-up of the appellants nor the suffering of their families, can stand before the overriding necessity to protect the well-being of the public, a fact which forces the

Obviously Maimonides' approach to governmental discretion in judicial procedures is subject to royal abuse, for it involves extensive unsupervised royal discretionary powers that are broad and unsupervised. Maimonides must trust the moral and religious character of the leader since he has no mechanism for checks and balances. He needs a self-disciplined philosopher king guided by the royal mandate from God to bring *tikkun olam* and protect civilization.

Maimonides' notion of *Tikkun Olam* is related to a "messianic" vision, but it is not utopian or other worldly in goal or method. It is placed within his great legal corpus as the final chapter of his Mishne Torah code. As Professor Avi Sagi^{lxxxii} notes:

"*Tikkun olam* as a real socio-historical process,²⁶ is ... a constitutive element of the halakhic ethos. The system of commandments is, above all, **a vote of confidence in empirical reality** as it is—if concrete reality is negative, what would be the value of observing the commandments within it? ... The basic halakhic ethos is one of molding and repairing the present world. The halakhic endeavor is inner-worldly and is not meant to attain a different, ideal reality. The halakhic ethos does not ascribe decisive weight to messianism and to the redemption beyond this world. ... Maimonides' position concerning messianism ... successfully conveys **the halakhic ethos affirming concrete reality, while also stressing the obligation of its perpetual reform.**"

Menachem Lorberbaum sees in Maimonides political conception of the role of the monarch an economic vision as well. Political well-being involves *tikkun haguf*, keeping the body and body politic healthy. The authority of the monarch is established when the coin of the king's realm is the accepted currency and the economic practices of the king are law for Jews as well (Laws of Appropriation and Gifts 1:15). When the ruler can provide stability based on justice and economic flourishing, then even though the political structure remains hierarchal, the beneficiaries of the leisure produced are not only the elites. The messianic monarch achieves liberation of the time and the concerns of the citizens as whole - from war, economic competition and struggle for survival by provision of the basic needs. So everyone has time for Torah, for *tikkun hanefesh*, for spiritual and intellectual growth which provides the lasting sources of happiness (*eudemonia*):

"The wise and the prophets did not desire the days of the messiah in order to rule over the whole world, nor to enslave and oppress (*yirdu*) the nations, nor to be elevated by the peoples, nor to eat and to drink and celebrate. But

court to harden its heart, because misplaced compassion leads to cruelty to the public' (C.A. 414/76 Ohana v. State of Israel, P.D. 32 (1), 295, 305).

In another case, a man was convicted of causing severe injuries to his wife and, nevertheless, the court decided not to sentence him to jail. This decision was appealed, and in its decision to accept the State's appeal, the Beersheba District Court asserted: 'Severe punishments for criminals like the convicted are a necessity, both in order to protect family members and in order to demonstrate to the abusers and to the general public the gravity of violent behavior even within the family, and in order to negate in the strongest possible terms the position which accepts the possibility that people in dire straits can find an outlet for their problems in a destructive manner through inebriation and through violence within the home. The fact that society cannot come to terms with this sort of behavior and is unwilling to treat it with understanding and forgiveness must be clearly articulated. In the words of our Sages: 'He who is compassionate to the cruel will ultimately become cruel to the compassionate.'... Let me add that refraining from meting out a didactic and deterrent punishment in cases of family violence has the potential of generating direct threats in the future to all those powerless people who are liable to find themselves in the path of a violent person's outburst of rage.'" (Eliav Shochetman, "He Who is Compassionate to the Cruel Will Ultimately Become Cruel to the Compassionate": Contemporary Lessons from an Ancient Midrash in ACPR's Policy Paper No. 124, 2001)

²⁶ "The Rabbis said: The sole difference between the present and the Messianic days is delivery from servitude to foreign powers" (TB. Sanhedrin 91b). ...

But no one is in a position to know the details of this and similar things until they have come to pass. They are not explicitly stated by the Prophets. Nor have the Rabbis any tradition with regard to these matters." (*The Code of Maimonides*, Laws of Kings, 12: 2)

rather to have the free time to engage in Torah and wisdom – without an oppressor or something²⁷ suspending [Torah study], so they can earn the world to come.” (Laws of Kings 12:4-5).

While in the non-messianic world the Rabbis declare that tzedakah is about providing for all one’s needs including one’s social need for status, i.e., procuring a horse and a servant to run before a person who had been used to such luxuries before falling into penury, in the messianic world where people do not seek honor and material luxury, one’s greatest need is for the leisure time to study, after all the physical needs are satisfied. This ideal applies to all human beings whatever their ethnic origin:

“Not only the tribe of Levi but any and every person of this world whose spirit volunteers them and whose knowledge has led them to separate [from the world] and stand in service of God and worship God and know God and act righteously as did God and who have removed the yoke of all the many calculations that people seek, then they have become sanctified like the Holy of Holies and they have become God’s portion and eternal inheritance for ever and ever. They will merit in this world enough for their needs as did the priests and Leviim...” (Maimonides, Mishne Torah, Book of Seeds, Laws of Sabbatical and Jubilee, Chapter 13:13)

For when the economic and military yoke has been removed in a time of peace and prosperity, then we may all become like the Levi tribe that was exempt from military service and agricultural work, so as to be free to study and serve God. Even in the non-messianic world, tzedakah must guarantee some of one’s spiritual needs – Torah education and four cups of wine to be able to recline and celebrate the seder (Mishna Pesachim 10:1), though that is not central to the Rabbinic conception of tzedakah.

For Maimonides society’s *tikkun olam* includes material aid applies to Jews. He learns tzedakah from the same verse that Rabbi Yochanan learns only Noahide judicial proceedings and prevention of theft and murder. Material tzedakah for the needy is learned from Abraham to whom God said: *I chose him to teach his children ...to do tzedakah*” (Gen. 18:19) (Maimonides, Laws of Gifts to the Poor 10:1). For the Rabbis the Noahide society is defined by negatives by avoiding harm, not by offering positive aid. Thus converts must be carefully instructed about the laws of *peah* and other tzedakah legislation in which a percentage of their property will be “taken” by right by the needy, for according to the Talmud the Noahite is used to punishing any theft, even of the most insignificant amount, as a capital crime (TB Yevamot 47a-b). However the 19th C. Kantian Jewish philosopher Hermann Cohen includes the non-Jew as a full citizen based on the Noahide laws understood as a law of universal reason. Hermann Cohen says: “The Noahide is not a believer but a citizen. He is a moral human being.”^{lxxxiii} Therefore as a neighbor he is owed the fulfillment of the mitzvah of *love your neighbor* (Lev. 19:18) and that includes the positive mitzvah of tzedakah to help the all neighbors.

How, we may ask, does Maimonides the philosopher who sees knowledge and love as the highest pursuit of human life conceive of the relationship of these “higher” spiritual and intellectual concerns to the mundane work of legislators, judges and government officials which is identified with *Tikkun Olam*?

Maimonides sees Jewish law, the Talmudic debates of Abaye and Ravah, as relatively “a small thing” in value compared to the “big thing” – the study of theology/philosophy that brings perfection to the soul and earns the individual a place in a spiritual world-to-come. Nevertheless halakha is to be regarded:

“as a great beneficence with which God granted to enhance *yishuv ha-olam*, the settling of the world, civilization, so that [all] can inherit the world to come. So that all can come to know: big and small, man and woman, those with a broad mind and those with narrower mind.” (Maimonides, Laws of the Foundation of the Torah 4:13)

For Maimonides, when Rabbi Yehoshua called the scholars of the Mishna “**settlers of the world**”- *m'yashvei ha-olam* (TB Sotah 22a), he meant that legislation promotes a social order of peace, justice, and prosperity, that

²⁷ “When a person is preoccupied with illness, war or famine, one cannot engage in wisdom and mitzvot.” (Maimonides, Laws of Repentance 9:1)

enables broad swaths of society – male and female – to engage in their expanded leisure time in meditative and philosophical knowledge of God which is redemptive on the individual level after the world has been repaired on the societal level.

Tikkun Olam in its Rabbinic sense should be contrasted with radical revolutionary movements for social justice whether a religious apocalypse (Ezekiel 38) or a secular permanent revolution (Maoist) as well as with spiritual paths of retreat from the world (like certain kinds of Buddhism). Both violent, total revolution and meditative withdrawal into self are founded on despair with reformist responses to this world's political-economic structure and on a sense of the corruption of human nature as it is. An alternative world or self must replace what we have. Often the revolution or the apocalypse is understood as an inevitable product whose timing and course are predestined. Apocalyptic history is not understood as open-ended. Since things must end in flames, human will is not relevant to determine the end of history. Even without a change in the external world, redemption from history can come. The self may be reborn with a new heart or nullified totally, so that it disappears with the world into the generality of being.

Self-destruction and world-destruction are the only options for liberation unless one believes in *tikkun olam*. The Rabbinic concept of *tikkun olam* maintains that human activity, even in small discreet, incremental steps, can cumulatively reform both the world and the self through teshuvah and governmental reform. End of the world scenarios usually fail violently. For example, the Biblical flood, the first cataclysm, reflected God's disappointment that humans and the world were so corrupt. Even though Noah did not produce a significantly better world, God regretted his total destruction and swore never to bring another all-out flood. For Maimonides the timing of the happy end of history is open and it depends directly on human initiative. Its end is not cataclysmic but incremental and even when the messianic state has been achieved it still requires constant governmental adjustments because human nature has not changed. ***Tikkun olam is about repairing - not replacing - the world and its inhabitants.***^{lxxxiv} For the Rabbis it is more an ongoing process of tinkering and piecemeal correction than a radical “do-over.”

Our first model for such governmental *tikkun* as part of a vision of world government is the Biblical Abraham who teaches and promotes *tzedakah umishpat*, justice and equity, the way of Adonai, by trying to correct the errors of God the ruler and judge of the world. In Genesis 18 Abraham argues with God, as we discussed at the beginning of this book, in order to moderate and adjust the Divine punishment of Sodom. This Biblical Abraham is not the revolutionary Abraham of rabbinic and Maimonidean midrash who is an iconoclast challenging idolatry for being false and confronting an oppressive monarch, the midrash's King Nimrod, whose power is based on his defense of idolatry. In Genesis 18 Abraham is not arguing for truth against falsehood. It is not the false gods and the corrupt human rulers that Abraham wishes to displace. Abraham does not want to take over God's job, but to improve his execution of judicial “truth” by debating the relative pros and cons of mercy and strict justice. He seeks to fix a constructive policy toward a city filled with wickedness. Abraham at Sodom fixes by adjusting complex judicial decisions, while Abraham of the midrash is revolutionary breaks idols and pursuing absolute truths.

E. The Mystical Redemptive Process and the Human Vocation: Repairing a Broken World

Tzedakah is the root of life.
When you give to others,
you raise the sparks from their broken state,
and you elevate your own soul.

The word *tzedakah* contains within it the word *tzedek* [righteousness].
In acting as a *tzaddik* [righteous person],
you become a holy spark of the Cosmic Tzaddik [i.e., God]
and you help elevate *Tzedek* from poverty and exile.

Enough said. Here is the idea:
By carrying out a holy deed or an act of life-sustaining *tzedakah*
you redeem a spark from the evil forces, and thus increase your own holiness....

- Rebbe. Menachem Nahum of Chernobyl, *Hanhagot Yesharot*^{lxxxv lxxxvi}

Lurianic Kabbalah: Restoring Divine Perfection by Human Initiative^{lxxxvii}

At the opposite pole from Maimonides' this-worldly messianic political realism, stands the mystical messianism of the Zohar (13th C. Spain) and HaAri, Yitzchak Luria (16th C. Safed).²⁸ The centrality of the mystical *tikkun* process performed by humans appears already in the Zohar:

"Prayer works a fourfold process of upbuilding (*tikkun*) which is in essence one. First, it builds up him who prays; secondly, it builds up (*tikkun*) this world; there comes, third, the upbuilding (*tikkun*) of the upper world with all the heavenly hosts; the fourth process of upbuilding (*tikkun*) is wrought on the Divine Name, so that all the upper and lower regions are embraced in one edifying process, in the manner appropriate.

"First, as to man himself, it is incumbent on everyone to edify (*tikkun*) himself by means of meritorious action and holiness and sacrifices and burnt offerings. The upbuilding (*tikkun*) of this world is then effected when we recite the works of creation, praising the Almighty for each separate work through our reading of the Hallelujah Psalms, such as *Praise him, all you stars of light, praise him, you heavens of heavens*, etc. (Psalm. CXL8: 3-4). This is for the sustaining of this world.

The third process is wrought on the upper world with all its hosts upon hosts and legions upon legions. We thus recite: 'Creator of ministering spirits... And the Ophanim and the holy Hayot (Animals)...' Finally comes the fourth process, wrought, as it were, on the Divine Name, which, by means of our prayer, becomes perfected. *Happy is your portion*, concluded Rabbi Simeon, 'in this world and in the world to come.' This is truly the effect of those precepts which you carry out by means of prayer." (Zohar, Exodus, # 2, folio 216a)

Since the lower realm is cosmically matched in the upper realm, by doing *tzedakah* to the needy below, one effects redemption and renewal of the parallel "needy" aspects of the Divine (*tzorekh gavoah*). The aspect of God in need of an outpouring of generosity is Kingdom (*Malkhut*) which is the same term of which the prayer *Aleinu* speaks when it says prays for *tikkun olam bemalkhut Shaddai*, "fixing the world with God's kingdom." Here *tikkun* in this world is effected through *tzedakah* and that act simultaneously "fixes" the upper world or

²⁸ Maimonides would reject out of hand the mystical Lurianic *tikkun* in which human ritual activity fixes the damaged, imbalanced Divine world of God, as if it could ever need *tikkun* after being created and ruled by Divine wisdom.

kingdom as well. More radically, tzedakah resurrects that which is dead in the upper worlds, for the needy are compared to the dead in the Talmud and tzedakah revives the dead and returns to them their souls. The imagery used is the Tree of Death, for the Tree of Knowledge of Good and Evil in the earthly garden was the gateway to human mortality for anyone who eats from it illicitly. Tzedakah mystically turns the Tree of Death into the Tree of Life, even though in Genesis 3 they are described as two separate trees. Tzedakah is a redemptive act performed by people on earth that repairs the effects of the original sin in the Garden and brings all the worlds to life:

“Come and behold: we learned ... that the poor man has nothing of his own - save that which he is given. The moon, *MALCHUT [Kingdom, Shekhina]*, also has no light of her own, save that which he is given.... Come and behold: why is the poor man considered to be as a dead? Because this is brought about by that place, as he is in a place of death ...the tree of knowledge of good and evil [which may bring death]. Therefore the poor is called ‘dead.’ One who shows compassion to him and gives him tzedakah causes the Tree of Life, ‘tzedakah’ to rest upon the Tree of Knowledge of Good and Evil which is essentially the Tree of Death, as it is written, *tzedakah delivers from death* (Proverbs 10:2). Thus, as a person does below relieving the poor called dead, so does one do above ...Therefore tzedakah surpasses everything.” (Zohar Part III 110b)

The Zohar interprets the mandate of Abraham to bring justice to the world in terms of the mundane daily act of giving tzedakah. In fact, this lowly act brings wholeness to God’s name above:

“It says: *keep the way of Adonai to do tzedakah umishpat* [justice (*tzedakah*) and law] (Gen. 18:19)Rabbi Shimon cried and said: Woe to the children of Adam who do not know and do not take care of the honor of their Lord. Who make God’s name holy daily? Those who give tzedakah to the poor.”

“Come and behold the poor is attached to Judgment (*tzedek, din*) and all that the poor eat is through judgment, whose place is called tzedakah... One who gives the poor tzedakah, make God’s name complete above, for tzedakah is the Tree of Life. *Tzedakah* gives to *tzedek* and they become united. One who affects an awakening below, it is as if he made whole the Holy Name. In a similar manner, according actions below, so is the awakening above.” (Zohar Part III 103b).

For the Zohar it is not only we who help a broken God to completion, but God seeks the well-being, the fixing, of His broken-hearted earthly vessels – the poor. If human beings console and feed the broken ones, then God will not decide to destroy the whole world. Fixing this world symbolically rescues the world from God’s destruction through his attribute of *Din* (judgment). *Tzedakah* redeems *tzedek*.

You shall rejoice before Adonai your God – you, your son, your daughter, your male and female slave, the Levi in your gates, the strangers, orphan and widow in your midst. (Deut. 16:11)

“Rabbi Shimon opened and said: All who rejoice on the holidays and do not give the Holy One his portion, that stingy person with the evil eye, Satan hates and condemns and removes from the world. How many troubles upon troubles are caused by that! God’s portion is to make the miserable poor as happy as one can, **for the Holy One on those days comes to see God’s broken vessels.**²⁹ God enters and if God sees that they are not happy, God cries for them, and then ascends up, up to destroy the world.” (Zohar Part I 10b)^{lxxxviii}

²⁹ “Why is God’s dwelling among these broken vessels? As it says, *I am with the contrite and lowly in spirit to revive them* (Isaiah 57:15) and *Adonai is close to the broken-hearted* (Psalm 34:19), and *the broken-hearted and downtrodden God will not despise* (Psalm 51:19).

That is why we say: one who insults those who are miserable, insults God! As it says, *Do not steal from the poor because they are poor or oppress the poor at the gate [of law], for Adonai will advocate in their case* (Proverbs 22:22).

For God, their guardian, is strong, ruler of all, who needs no evidence, no other judge [with God], and does not take collateral in payment as do other judges.” (Zohar Part II 86b)

In the 16th C. Yitzhak Luria envisions a highly unstable dynamic drama of creations, destructions and restitutions on all levels of reality simultaneously. Both Maimonides and Luria share a faith in human activism but the former uses political means and the latter, meditative prayer. **The mystical notion of *tikkun* celebrates the idea that human actions – for the mystics, those are spiritual, ritual and verbal actions - can affect the cosmos and God.**^{lxxxix} Human life, cosmic life and the Divine are **not static**, but processes sensitive to changes at any level. In doing each mitzvah each time people must consider, as Jill Jacobs puts it, not only “the potential consequences for themselves and their communities, but also the effect that a given action may have on the cosmos.” **“The emphasis [is] on realizing divine perfection, rather than on improving the condition of humanity.”^{xc}**

Thanks to the pioneering scholarship of Gershon Scholem the term *tikkun* is well-known today and there has been an international revival of interest in kabbalist symbols.

“*Tikkun*, meaning **mending, restoration, or reintegration**, is the process by which the ideal order is restored, but lights of the divine emanation are incapable of bringing it about by themselves... God in His wisdom allotted this task to man, who thus has to play a major part in the great drama of restitution and *tikkun*.”^{xc}

In brief, the Lurianic kabbalah tells this story, as Scholem reconstructs it: Creation is a process by which God contracted the divine self (*tzimzum*) in order to make space for the world. God then emanated into that space Divine light to be housed in ten *sefirot* both, aspects of the divine presence and yet also vessels. When the vessels proved too weak to hold the light, the vessels shattered, resulting in the mixture of divine light with the *kelipot*, or shards from the vessels. That mixture is the introduction of evil into the world. *Tikkun* is returning those sparks to God, thus repairing the broken world and the levels of exile – spiritual, geographic and political.

Now on a lower level of reality, the first Adam of Creation, who contains all the souls of humanity, could have redeemed the world and restored the divine light to its proper place. It was human responsibility to redeem God’s exile! But his sin just recapitulated the exile. At Sinai all Israel could have redeemed God and the world, but the sin of the Golden Calf repeated the original sin and sent Israel and the Shekhina into exile. In Luria’s era in the 16th C. when he calculated the six millennia messianic process of *tikkun* had almost been completed, it was even more important to redeem the last sparks and not, God forbid, sin again. Doing mitzvot with the proper intentionality was the key to repairing the world.

“Israel has been dispersed in the Diaspora to gather the holy sparks and return them to Heaven via the Torah and the righteous deeds. Since humanity created the problem of sin through Adam’s sin,^{xcii} it is up to humanity to *repair* that sin via deeds.”^{xciii}

The Safed kabbalists also instituted new rituals, including the practice of praying or studying at midnight, or all night on the holiday of Shavuot, which is called a “The *Tikkun* of the Night of Shavuot.” Its purpose was to hasten the process of cosmic *tikkun*. If these acts of *tikkun* succeed, then the material and political world will dissolve and all will return to the Divine self. That mystical *tikkun olam* entails the end of time and the end of the world.

Many Hasidic thinkers applied these ideas of the Kabbalist mystics to their psychology of piety in order to enhance rather than denigrate individual initiative even though ego and separation are in the final analysis illusory within the pantheist God who fills the earth. The Maggid of Mezritch, a member of the original circle of the Baal Shem Tov, explains how the breaking of the Divine makes possible the creative work of repair of individuals:

“The process of breaking was the world’s need, for if each thing and attribute remains attached to its Divine origin, then it would nothing [*Ayin = Aleph – Einsof = The Infinite*] in its own eyes, and there would be no existence for the worlds. So by way of analogy, if the world of making [the lowest of worlds, the material world] were attached

to the Creator all the time without any forgetting, then its reality would be abolished....Therefore the breaking was necessary, so one could forget one's origin, and each one can raise one's hand to do something. Then through acts of prayer and study one attaches oneself to the origin in nothing [Ayin] .. and thereby raises up sparks from the world of making [which is *tikkun*]." (*Maggid Dvarav L'Yaacov, Likutei Amarim, #73*)

From Dissolving the World to Repairing It

Lawrence Fine, the scholar of mysticism, comments on how far we have come from the mystical *tikkun olam* to the modern one:^{xciv}

"An amazing journey of ideas! The technical language of Lurianic Kabbalah,^{xcv} originating in a circle of contemplative mystics in the second half of the sixteenth century in Palestine, and representing what is arguably the most complex and esoteric literature in all of Judaism, is brought to contemporary attention through critical scholarship (Gershon Scholem), only to resurface in [appeals for social action in] the second half of the twentieth century.^{xcvi}

What is most fascinating about this journey of ideas is the change of meaning which has taken place. In its original context, *tikkun* had to do with the repair of divinity, and was part of an eschatological vision of things which anticipated the end of history and nature as we know it. The *tikkun* to be achieved involved the **dissolution of the material world** in favor of a purely spiritual existence, similar to that which existed before intra-divine catastrophe and before human sin.

This conception thus bears little similarity to the kind of 'mending' which most contemporary exponents of *tikkun* have in mind... for **social, moral, or political activism** of one sort or another.... For [most] ... *tikkun* clearly involves 'repairing' the condition of this world, rather than the Lurianic mending of *olam ha-tikkun*, spiritual worlds beyond our normal experience."

Moreover, if there is still **mythical thinking** taking place here, it is operating at a rather weak level. The highly charged mystical symbolism of Lurianic literature, with its endless anthropomorphic description of God's inner life, its multiple levels of reality, its impressive convictions about the power of the contemplative imagination, has given way to the bare bones of 'rupture' and 'mending.'"

In his *Physician of the Soul* Fine presents *tzedakah* as an example of how the mystical attitude to the mitzvah is so different than the ethical one:

"Although there is reference [in Lurianic text] to the actual giving of *tzedakah*, and we have seen that Luria himself was meticulous about this obligation, the focus of contemplative attention is devoted entirely to its theurgical consequences [i.e., the way human symbolic action affects the inner reality and will of God]. As individuals who were encouraged to be ethically sensitive – in conformity with rabbinic values – the Lurianic kabbalists doubtlessly believed in the intrinsic significance of *tzedakah*. But the unmistakable inference one draws is that such mundane concerns were only the external dimension of deeper mystical goals. And yet, of course, the latter could not be satisfied except by means of the actual physical act – accompanied by the appropriate meditative intentions."

Fine^{xcvii} notes that while Lurianic terms are invoked by many late 20th C. theologians^{xcviii} and Jewish social activists, all are concerned with mending this world with political action,³⁰ unlike Lurianic Kabbalah. Yet Fine sees some interesting continuities from its mystical roots that may inspire contemporary *tikkun olam*:

³⁰ Lawrence Fine (based on his informant, Bruce Powell) credits Shlomo Bardin - the Zionist Israeli pioneer/*halutz* who created the Brandeis (Bardin) Camp near Los Angeles during World War Two - with introducing the term *tikkun olam* to the American Jewish world. Bardin used it to define the mission of Judaism drawn from Aleinu and of the Jewish people. Perhaps he was influenced in this usage not only by the prayerbook but by the universe of discourse of Ahad Ha'Am who back in 1903 wrote an article in Hebrew called "Zionism and *Tikkun Olam*" (*Shiloach* magazine, Nisan 2003). In it he criticized what he considered to be the shallow socialist slogans of Herzl's *Altneuland* utopian vision of the Jewish state to be.

"Despite these essential distinctions, there *are* important resemblances between Lurianic theology and contemporary thought ... These resemblances, in my view, help explain the attraction which Lurianic language has for contemporary Jewish thinking."

The notion of an **ontological rupture and shattering**--which stands at the heart of Lurianic mysticism--has the capacity to strike a deeply sympathetic chord in a generation which experienced the destruction of European Jewry, or for a generation confronted by the unprecedented danger of global nuclear calamity.

Similarly, the focus on **human power and human responsibility, in place of divine power and responsibility**, which characterizes Lurianism, is a potent theological tool in confronting the dilemma of theodicy [explaining God's justice in the face of the existence of evil] in our own time. The language of 'mending,' by its nature, implies the centrality of human responsibility for improving the condition of things. For a community which has serious questions--to put it gently--about the quality of Divine Providence and Omnipotence, a preoccupation with the resources of the human spirit may be ... a theological necessity."

We may add a few more loose analogies. Lurianic tikkun is accomplished in the micro-world and yet resonates in the macro-world on all levels. Meditations (*kavanot*) direct the consciousness in the inner world of the mystics, then in their symbolic acts (*mitzvot*) and in their daily physical ones (eating, sexual intercourse).

"Man's task is the perfection of his individual spark on all levels; but all its levels or aspects are not necessarily joined simultaneously in one life. The *tikkun* may thus have to be realized laboriously and piecemeal in the course of numerous lives and transmigrations. The kabbalists took great pains to discover the root of their souls, as only such knowledge would enable a man to restore his soul to its supernal root or would tell him what precisely he was still lacking for the completion of his *tikkun*."

The great Italian kabbalist and poet Moses Zacuto (17th C.) wrote:

"It behooves every man to inquire diligently and to know the root of his soul, so as to be able to perfect it and to restore it to its origin, which is the essence of its being. The more a man perfects himself, the closer he comes to his self." (Gershon Scholem)^{xcix}

Mystically, each person's personal struggles for self-correction reverberate in the upper worlds. Cumulatively, each one redeems the sparks of his/her aspect of the great soul of Adam and, thus, all humanity who, when individually redeemed in the facets of their private life, affect the life of the whole, the life of the cosmos, and the Divine process. Just as crucially, each sin contributes negatively to dissipate positive forces and undo the process of redemption.

Such a model applies, for example, to feminist liberation or the ecological movement that often begins with a change of consciousness, then a change in personal practice viewed in a new light, such as composting or gender equal childcare. Then, cumulatively, this may empower changes in the macro-structures of society. Nothing however small is lost as a positive or negative influence and everything is interconnected with everything else. The micro and macro are analogous structures. As the radical feminists of the 1970s used to say: the "personal is political." In progressive political thought in an utterly secular language we can hear a

Ahad Ha'am writes about the idealistic and ideological European Jewish youth of the turn of the century: "Our youth are used to discuss and debate all day long the question of '*Tikkun Olam*,' such that for many of them it is the true 'spiritual center' and then it becomes even unconsciously the center of all other questions including Zionism." Thus we have a secular use of the term Tikkun Olam without a religious basis used to describe the endless socialist discussions of the early Zionist youth. That term and those discussions may well have affected Bardin's world and his choice of vocabulary.

parallel to the kabbalist faith in human power to change the world one spark at a time and then this way, the sum total redeems worlds. As Robert Kennedy put it:

“Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.” (Speech to National Union of South African Students’ Day of Affirmation, Cape Town, June 7, 1966)⁶

F. Modern Jewish Thought on the Vocation of *Tikkun Olam*³¹

"To live the life of faith is to hear the cry of the afflicted, the lonely and marginal, the poor, the sick and disempowered, and to respond. For the world is not yet mended, there is work still to do, and God has empowered us to do it - with Him, for Him and for His faith in us."

- Jonathan Sacks, Chief Orthodox Rabbi of Great Britain^{ci}

"[The American Jew] must be willing to live up to a program that spells nothing less than a maximum of Jewishness. True to his historic tradition he should throw in his lot with all movements to further social justice and universal peace, and bring to bear upon them the inspiration of his history and religion."

- Mordecai Kaplan (*Judaism as a Civilization*, 521)

In the Western world of the late 19th and 20th centuries, Jews began to participate fully in democratic processes of reform in their societies. They were motivated by both individual and communal self-interest to remove prejudicial barriers and inspired by ethical idealism to re-imagine a society that was more inclusive, scientifically progressive and just. They contributed to the innovative thought and political organization of these reform and revolutionary movements. In that sense *Tikkun Olam* became their ideology and felt-experience even before the term became popular. The work of modern Jewish thinkers has made the fit between their modern views and their classic tradition more continuous. Any number of thinkers could be chosen to illustrate the process, including members of the 19th C. Reform movement, the philosophers Herman Cohen and Emil Fackenheim, and various representatives of modern Orthodoxy.³² Let us cite only a few: Joseph Soloveitchik, Leonard Fein, Moshe Una, Martin Buber, and Moses Hess, but we will leave an analysis of their thought and their reworking of classic Jewish sources on tzedakah and social justice to other scholars.

The Orthodox Talmudist and existential philosopher Rabbi J. B. Soloveitchik classifies *tikkun olam* as a task related to Creation and human civilization's struggle to master nature for the sake of human dignity.

"Men of old who could not fight disease and succumbed in multitudes to yellow fever or any other plague with degrading helplessness could not lay claim to dignity. Only the man who builds hospitals, discovers therapeutic techniques, and saves lives is blessed with dignity . . . The brute is helpless, and therefore not dignified. Civilized man has gained limited control of nature and has become in certain respects her master, and with his mastery he has

³¹ J. J. Schacter defines Jews' relation to *tikkun olam* as follows: "What is *tikkun olam* and are Jews obligated to engage in it?"

- Human beings are empowered with the capacity to transform the real into the ideal. Not only is this within the purview of God, but human beings are granted by God the capacity do something about it. Human beings can make a difference.
- Not only do human beings have the capacity to make a difference, but it is part of the religious obligation of Jews to make a difference. Jewish religious tradition expects and requires Jews to be engaged in the effort to bring about this transformation. This obligation includes bettering the welfare of all peoples who populate the earth, not only Jews. Of course, the primary responsibility of all Jews is for one another, for family members and then for other Jews, both in terms of the time as well as the money spent. But these universalistic obligations make demands upon Jews as well. Jews also bear a fundamental religious responsibility not only to ensure Jewish moral, spiritual, and material welfare but, albeit secondarily, also to ensure the moral, spiritual, and material welfare of the world as a whole. And this comes with the awareness that every minute or every dollar spent on those activities is a minute or dollar taken away from Jewish causes and Jewish needs." ("Tikkun Olam: Defining the Jewish Obligation" in *Rav Chesed*, essays in honor of Haskel Lookstein, edited by Rafael Medoff, 189f)

³² Rabbi S. R. Hirsch, the founder of modern Orthodoxy in Germany in the second half of the 19th C., integrated the classic Jewish vocation with the modern call to ethical and political reform. Like many Reform thinkers, the Orthodox Hirsch saw Judaism as a model society that has much to teach all of humanity. The Biblical verses that describe the Jews as *a kingdom of priests and a holy nation* (Ex. 19:5-6) and *a light to the nations* (Isaiah 42:6; 49:6) provided a basis for this vocation. Hirsch explains: "These spiritual pursuits ... are meant to lead to proper action, to the right response to the ever-changing conditions of life, in order 'to prepare the world for the kingdom of G-d' - *l'takken olam b'malkhut Shaddai*, as we put it in our daily prayers." (commentary on Genesis 9:27) (Cited in Wikipedia on *Tikkun Olam*)

attained dignity as well. His mastery has made it possible for him to act in accordance with his responsibility." (Rabbi Joseph Soloveitchik, *The Lonely Man of Faith*)

Gerald Blidstein^{cii} describes his teacher's views on the Jewish solidarity with all humanity in the process of perfecting the world:

"Rabbi Soloveitchik in his essay,³³ 'Confrontation,'^{ciii} declared ... that the people Israel must take part in the '**universal confrontation**' of man with the cosmos.³⁴ ... Indeed, the Rav asserts that "the limited role" heretofore played by the Jewish people in that universal confrontation was a function of historical reality, not ideological choice; and he suggests that this phenomenon has been reversed in modern times.

The Rav unambiguously asserted that the Jew was to participate fully in the **civilizing efforts of humanity**: 'Created in the image of God, we are charged with responsibility for the great confrontation of man with the cosmos;' we are 'involved with the rest of mankind' in that confrontation; we 'co-ordinate our efforts;' 'we stand shoulder to shoulder with mankind ... for the welfare of all.'"

The above notions are consistent with Maimonides who deeply informs all of Rav J. B. Soloveitchik's thought. In his article, "Halakhic Man," Rav Soloveitchik speaks with pathos of how a man of theoretical law like his father could also be said to shape the categories by which the social world is repaired:

"**Halakhic man is a man who longs to create**, to bring into being something new, something original. The study of Torah, by definition, means gleaned new, creative insights from the Torah (*hiddushei Torah*). ... This notion of *hiddush*, of creative interpretation, is not limited solely to the theoretical domain but extends as well into the practical domain, into the real world. The most fervent desire of halakhic man is **to behold the replenishment of the deficiency in creation, when the real world will conform to the ideal world** and the most exalted and glorious of creations, the ideal Halakhah, will be actualized in its midst. The dream of creation is the central idea in the halakhic consciousness - the idea of the importance of **man as a partner of the Almighty in the act of creation, man as creator of worlds**. This longing for creation and the renewal of the cosmos is embodied in all of Judaism's goals."^{civ}

But Rav Soloveitchik's notion of *tikkun* is also shaped by kabbalist theological metaphors which he may have first learned from his Habad tutor when he was a child. The early mystical work, the *Book of Yetzira*, and later Lurianic Kabbalah emphasize the human role in redemption as well as the Divine role of *tzimzum*, self-withdrawal from the world, both echoed in Rav Soloveitchik's rendition of the rabbinic notion of "partners in the creation of the world":

"The peak of religious ethical perfection to which Judaism aspires is man as creator. When God created the world, he provided an opportunity for the work of His hands – man - to participate in His creation. The **Creator, as it were, impaired reality in order that mortal man could repair its flaws and perfect it**. .. Man's task is to 'fashion, engrave, attach, and create' (*Book of Yetzira*), and transform the emptiness in being into a perfect and holy existence, bearing the imprint of the divine name... Repentance is an act of self-creation."^{civ}

³³ Rabbi Joseph B. Soloveitchik characterized the nature of the obligation of the Jew to the world at large: "We are human beings, committed to the general welfare and progress of mankind ...interested in combating disease, in alleviating human suffering, in protecting man's rights, in helping the needy, etc."

"Our approach to and relationship with the outside world has always been of an ambivalent character, intrinsically antithetic, bordering at times on the paradoxical. We relate ourselves to and at the same time withdraw ourselves from, we come close to and simultaneously retreat from the world of Esau.... Yes, we are determined to participate in every civic, scientific, and political enterprise. We feel obligated to enrich society with our creative talents and to be constructive and useful citizens." ("Confrontation," Tradition 6:2 (1964). 20-21, 26-28)

³⁴ "We have always considered ourselves to be an inseparable part of humanity and we were ever ready to accept the divine challenge, 'Fill the earth and subdue it' (Gen. 1:28). We have never proclaimed the philosophy of *contemptus* or *odium seculi*. We have steadily maintained that involvement in the creative scheme of things is mandatory." (Rabbi Joseph Soloveitchik, *Confrontation*)

Rav Soloveitchik would likely have concurred with this tale from his grandfather:

"When the disciples of the greatest Talmudist of the late nineteenth century, Reb Hayyim of Brisk (1853-1918), asked him **to define the task of a rabbi**, he replied: 'To redress the grievances of those who are abandoned and alone, to protect the dignity of the poor, and to save the oppressed from the hands of his oppressor.'

"Constantly in debt, he gave most of his salary to the poor. In the winter he would leave his wood store unlocked so that the poor of the town could take the fuel they needed, without the embarrassment of having to ask. When the lay-leaders of the town complained that this was costing them money, he replied that he was saving them medical expenses, since otherwise he would be forced to sit in the cold and catch pneumonia. It was impossible, he said, for him to light a fire in his own home if he knew that, in other homes, the poor were freezing."^{cv}

Yet for Rav Soloveitchik human responsibility goes far beyond solidarity with suffering and it becomes essential for the Divine plan of redemption. A human individual is the messiah who will be a partner with God in the Divine mission to bring liberation:

"History, Judaism says, cannot move or progress without the individual. God waits for man if there is something to be done. He does nothing until man initiates action. God waits for man, for a single person, to accept responsibility and initiate the process of redemption. It is strange. On the one hand, God is the *Goel Yisrael*, our redeemer and liberator; however, God wills man to become His *shaliah* [his messenger or representative or missionary] in the drama of redemption, the personalistic *shaliah* [missionary] with whom God will walk.

God will not desert him, but **God alone does not want to take the initiative**. The Jewish people have been waiting a long time for the Messiah - a human being like us who will initiate the process of redemption. God wants an individual great in knowledge, in morality, in prophecy, to be a participant in the drama of redemption (*ge'ulah*). God wills man to emerge as a great being through his acceptance of the *shelihut*, - mission. Not the collective, but the individual, seizes the initiative. God was ready, the people were ready, the time had passed, redemption *ge'ulah* was possible, and God could have taken them out in a split second [from Egyptian bondage]. **But God had to wait for someone**. Immediately, Moses is mentioned: "*Now Moses kept the flock of Jethro*" (Exodus 3:1)."^{cvii}

Tikkun Olam in the American Reform Movement (late 20th C.)

While Rabbi Soloveitchik speaks broadly about the process by which human beings created in God's image make a better world simply by being creative and building societal institutions, Leonard Fein, a Liberal Jewish activist raised on American democracy, identifies *tikkun olam* with social action, protest and political-legal reform emerging from an active civil society inspired by the ancient ecological Jewish image of *tikkun olam*. Leonard Fein sums up the secularized and yet still God-inspired meaning of the *tikkun olam* ideology that now expands greatly the way liberal American Jews conceive tzedakah work as social reform:

"For American Jews, *tikkun olam* - the repair of the world - means God's world, but it does not work as it was meant to. The story begins with Eden, and goes on through the trials and errors of all the generations since. This exquisitely organic whole, this ecological masterpiece, has been fractured a thousand times, has been scarred and marred and blighted and polluted and bloodied, its beauty transformed, become hideous; it does not work; not as it was meant to, not as it might.

"We are called to see the beauty through the blemishes, to believe it can be restored, and to feel ourselves implicated in its restoration. We are called to be fixers. We are so called whether Eden is fable or fact, whether Sinai is law or lore. And 'all the rest,' as it is said, 'is commentary'. "^{cviii}

"Many American Jews have come to view **ethics as the very essence of Judaism**. It is the thread in Judaism's tapestry that weaves most neatly into America's own moral claims American Jewry is distinguished ...by the opportunity it is offered, as an empowered community, to move from ethics to justice, to define itself as a partnership in *tikkun olam*. In America, in our time, such a partnership can serve as our preeminent motive, the path through which our past is vindicated, our present warranted, and our future affirmed."^{cix}

Even though Leonard Fein is not a rabbi, it is not an accident that he has often worked within the social action committees of the Reform Movement which sees this kind of political activism as a manifestation of religion. In their renewed Pittsburgh Platform of 1999 the Reform rabbis formulated this mission anew using the new rhetoric of *tikkun olam*:

"We bring Torah into the world when we strive to fulfill the highest ethical mandates in our relationships with others and with all of God's creation. Partners with God in *Tikkun Olam*, repairing the world, we are called to help bring nearer the messianic age. We seek dialogue and joint action with people of other faiths in the hope that together we can bring peace, freedom and justice to our world.

"We are obligated to pursue *Tzedek*, justice and righteousness, and to narrow the gap between the affluent and the poor, to act against discrimination and oppression, to pursue peace, to welcome the stranger, to protect the earth's biodiversity and natural resources, and to redeem those in physical, economic and spiritual bondage. In so doing, we reaffirm social action and social justice as a central prophetic focus of traditional Reform Jewish belief and practice."

Rabbi Rachel Sabath Beit-Halachmi reports on the centrality of *tikkun olam* in the youth culture of Reform Judaism in the 1970s - 80s and the way it replaced the role of traditional halakha in defining Jewish action as opposed to Jewish beliefs:

"As someone growing up in America in a classical Reform synagogue in the 1970s and 1980s, *tikkun olam* was the main core, the main activity of the heroes of Reform Judaism - social action. The great sacred act was the marching of Reform rabbis with Martin Luther King (1964). Seventeen of them were thrown in jail overnight because of their participation. And when they wrote a statement of why they went, they cite their responsibility of *tikkun olam* as a reason for participating in civil rights protests and risking themselves the way they did. One reform theologian calls this '**actional piety**.'"

Rachel Sabath Beit-Halachmi notes that *tikkun olam* meant for the Rabbis of the Mishna small-scale legal reforms occasioned by negative ethical side-effects of halakhic legislation. But the Reform form of *tikkun olam* as social action sweeps away halakha and replaces it with a different pattern of Jewish behavior, rather than tinkering to "fix" its leaks and contradictions:

"*Tikkun olam* and social action was the piety; it was in place of much of Jewish law. In fact, being the product of some of the international youth leader movements, youth groups, and camps, I could have told you many, many definitions of *tikkun olam* and how it's done, and I don't think I knew as a young person in a Classical Reform community what halakha was."

For many Reform thinkers, that move was taken because of, or in large part because of, the failures of the legal system. Even if you believe that the legal system has in it an ethical impulse and a foundation that should lead it toward *tikkun olam*, in too many cases, it failed. If that legal system can lead to a situation which is not ethical, if its consequences and accepted applied consequences by halakhic authorities are unethical, then that system itself can't be embraced as an ethical system. You're going to need an ethical system in place of it."^{cx}

One reflective response to this trend in Reform Judaism has come from Eugene Borowitz, the premier American Reform Jewish theologian. He sees the use of *tikkun olam* as a rather opportunistic redefinition of a term whose rabbinic legalism and kabbalistic mystical meditations. Those classic connotations, he believes, are irrelevant to its usage as a stand-in for the traditional Reform ideologies of ethical monotheism, earthly,

progressivist messianism and social action. Yet the use of term does reflect two changes in Reform Judaism. First, Reform Jews have a stronger Jewish identity in the post-modern era, rather than a merely universalist liberal one.

“Something like this dizzying passage from the modern to the postmodern turned the old Reform piety upside down. Instead of believing we are a community of universalists who retain some old Jewish roots, we now see ourselves in particular terms, that is, as North American Jews whose ancient traditions and recent emancipation engender in us a uniquely intense dedication to the messianic unification of humankind.”^{cxix}

Second, postmodernism has made progressive rationalists more humble about the process of change and our knowledge of what is necessary. That confident old rationalist faith and its "unbridled optimism" about “the perfectibility of man" was expressed in the Pittsburgh Platform of 1885 of the Reform movement:

"We recognize in Judaism a progressive religion, ever striving to be in accord with the postulates of reason. In full accordance with the spirit of the Mosaic tradition, which strives to regulate the relations between rich and poor, we deem it our duty to participate in the great task of modern times, to solve, on the basis of justice and righteousness, the problems presented by the contrasts and evils of the present organization of society.

By contrast the image of repairing or mending (*tikkun*) the world - a piece at a time - seems a more realistic and a more humble endeavor. Liberal Judaism has not lost its modernist faith completely but it has been chastened by modernity's failures.

"The Emancipation was not altogether a lie. It taught us something true about the dignity of each person and about the democracy and pluralism that make it effective, and this must be carried over into our postmodern Judaism. [However] We are too realistic about humankind to return to the messianic modernism that once animated us.”^{cxix}

"People of conscience must live today with the unrelenting stress of more ethical tasks than they can hope to handle. [It] has necessarily given us a new ethical humility. Is that what we are hinting at in translating *tikkun olam* as merely 'mending the world,' that is, at best leaving it a thing of patches, when not too long ago we hoped for more grandiose human accomplishment?"^{cxix}

“That spiritually healthy humility has left a greater space for our trust in and partnership with God which is why Borowitz concludes that for the Reform movement *tikkun olam* is not only a stand-in for social action, for ethics, but itself a form of piety, of spirituality with its own theology.”

The goal of redeeming the world cannot be done by humans alone who will – perhaps - accomplish this task, only as with God in a covenant.

"Our once soaring ethical self-confidence has now given way to a more modest sense of what human beings at their best may hope to accomplish. If we nonetheless believe that while we cannot do everything, the social ethical tasks we can and must dedicate ourselves to are not futile despite our limitations, it is because we do them in partnership with *Adonai*. Even as we have let *Adonai* back into our hope for healing so we must now acknowledge *Adonai*'s role in *tikkun olam*. Though we may fall short of our goals in this or that project, *Adonai* being good, will not ultimately fail to make goodness triumph in human history.”^{cxix}

While Sabbath Beit-Halachmi emphasized the failure of halakha that led Reform Jews to replace it with social action in the buoyant days of the 1960s- 1970s, Borowitz highlights the sobering failures of that optimism that has led to a slightly humbled theology of the process of "mending" the "patch-work" world. He points out that this modified goal is far removed for the literal meaning of *Aleinu* that seeks God's worldwide dominion.³⁵

³⁵ *Aleinu* appears in an alternative liturgical reading in the Reconstructionist Prayerbook:

"And then all that has divided us will merge / And then compassion will be wedded to power / And then softness will come to a world that is harsh and unkind / And then both men and women will be gentle / And then both women and men will be strong / And then no person will be subject to another's will / And all will be rich and free and varied / And then the greed of some will give way

The Religious Kibbutz and *Tikkun Olam*

Like the Reform movement, the Orthodox religious kibbutz movement saw in the calling to repair the world also a mission to reform the split within traditional Judaism between the secular and religious, between the communal and private in which religious interest had shrunk to concentrate on inner faith and symbolic practice. They complained that just as modern Western Protestant religiosity had retreated to the inner sanctum of the self with God and the voluntary religious community, so too had traditional and ultra-Orthodox and even bourgeois religious Zionists. Life had been compartmentalized and religion left out of the public realm – both political and economic. Jewish socialism must revive and model “complete life” and therefore these religious ideologues invented the term *tzibur metukan*, a “**repaired or perfected public.**”^{cxv} The original dream of Judaism from Sinai is embodied in the invitation to a national covenant with God - “*you shall be to Me a kingdom of priests and holy nation*” (Exodus 19: 6).

Moshe Unna^{cxvi} was the prime ideologue of the religious kibbutzim:

“According to this concept there is an unmediated relation between the society in general and religion. Both the orders of society and the moral basis on which it is built become expressions of religion. Religion and mitzvah are constitutive of society.”^{cxvii}

The kibbutz was an experiment that could be a model for the whole society to close that gap within Judaism and within Western society and construct a full life that solves the divisions in society – both the social problem of poor and rich, of working proletariat and spiritual elite, and the internal division of life into separate realms of religion and politics, spirituality and economics.

Moshe Unna wrote in an appropriately titled essay, “The State as the Supreme Test of our Jewish Essence,” that “Jewish religiosity cannot move from potential to actuality without creating a [new] order of life shaping all human behavior under the acceptance of the yoke of Heaven.”^{cxviii} In the Diaspora there cannot be fulfillment of the reshaping of total life, so Zionism and democracy were essential aspects of this *hevrach metukenet*, “a repaired or perfected society” he attempted to build. But *tikkun olam* required education of the individual, not just rearranging the social order. Inspired by the German ideal of *Bildung*, the development of character, these religious socialist thinkers, immigrants of western and central Europe, highlighted the individual and education. But that education was not just aimed towards personal fulfillment but towards societal responsibility. “Education is a matter of the society, not just the private individual.”^{cxix} ***Tikkun olam* requires *tikkun* of the individual through education with a social orientation.** That is what these religious kibbutznikim believed was the original mission of the prophets and that required internal transformation, not just compassion for the needy or redistribution of wealth, and it involved restructuring a *hevrach metukenet*, “a repaired or perfected society.”

Martin Buber: *Tikkun Olam* as a Shot in the Dark

to the needs of many / And then all will share equally in the Earth's abundance / And then all will care for the sick and the weak and the old / And then all will nourish the young / And then all will cherish life's creatures / And then all will live in harmony with each other and the Earth / And then everywhere will be called Eden once again."

Repairing the world may be portrayed as a perennial task of fixing and adjusting and reforming which depends wholly on human effort. This picture is uplifting and morally meaningful, but it does not call for an all-out fateful effort. Unless we realize that the world may be destroyed if it is not repaired and that the clock is ticking and time may be running out, the urgency is lost. The prophets as reformers always had that sense of urgency, as Martin Buber shows. Their society hangs on a thread between catastrophe and a turning to renewal that may or may not evoke God's mercy and a change of history's dire direction. The task of Jonah was to give the city of Nineveh one more chance by letting them know the destruction of their great metropolis had already been decided: *In forty days Nineveh will be turned upside down* (Jonah 3:4).

But, as Buber explained, prophecy is not about prophesying. Prophets do not reveal the inevitable nor do they wish to be proven right (except for Jonah, the anti-prophet, who is the exception that proves the rule).

"The true prophet does not announce an immutable decree. He speaks into the power of decision lying in the moment, in such a way that his message of disaster just touches this power."^{xxx}

"The prophetic element is to connect the historic moment to the perspective of the future that makes a demand and also a promise. This is unique to the Jewish people among all the ancient nations. The prophet distinguishes clearly two possibilities in the developments hidden in the historical moment which are opposed. One is the divine goal and the other opposed to it. The prophet places in the hands of the human the decision whether this moment will help fulfill the divine goal or delay it. ... There is no other people in the world that believes in the great value of the act of each and every person in humanity [to shape] the future so that the Creation will be fixed (*takana*) and redeemed by virtue of the will and the actions of humanity. ... Moses Hess called that the spiritual act that prepares the fulfillment of the unity [of humanity] in the socialist society of the future."^{xxxi}

Prophets wish to energize the people to try to change, while giving them no guarantees. Ehud Luz summarizes Buber's view of freedom and determinism:

"In *The Prophetic Faith*, Martin Buber shows the Prophets assuming a dialectical relationship, not accessible to rational understanding, between the divine decree and human responsibility. From God's point of view, the future is already determined; but **human beings must make decisions afresh every day as if the future were in their hands, knowing that, in the last analysis, they are subject to transcendent forces.**"

"For Buber, this was the lesson God taught the prophet Jonah, who had thought the course of history was predetermined and could not be diverted. The Book of Jonah sets out to destroy the belief in historical determinism and assert that anything is possible, both complete destruction and redemption. It is on this assumption that the prophetic notion of *teshuvah* (repentance, turning, or return) is predicated. If we do not repent, we shall certainly be lost; if we do repent, *perhaps God will have pity on us and we shall not perish*," but "*who knows whether God will change His mind?*" (Jonah 1:6,3:9). 'Perhaps' and 'who knows' are key terms in this tale of repentance."^{xxxii}

Martin Buber writes of the human choice to *turn* in repentance and God's choice to *turn* aside from the catastrophic course of history. As the Bible scholar who first identified formally the literary mechanism of repeated roots called "leitmotif words," Buber noticed how the Bible applies the same verb – "turn" – both to human and Divine change of mind:

"Human turning and divine turning correspond the one to the other; not as if it were in the power of the first to bring about the second, such ethical magic being far removed from biblical thought – but 'who knows?'"^{xxxiii}

In uncertainty one may be paralyzed or despair of action, unless one is forced to decide now – "if not now, when?" That is the springboard for radical action in history, but it too relies upon faith in an interpretation of the world made in the dark without sure knowledge:

"What is possible in a certain hour and what is impossible cannot be adequately ascertained by any foreknowledge. It goes without saying that, in the one sphere as in the other, one must start at any given time from the nature of the situation insofar as it is at all recognizable. But one does not learn the measure and limit of what is attainable in a desired direction otherwise than through going in this direction."^{CXXIV}

The prophets functioned in a fateful period and spoke for the urgency of historic times, but that pathos for each individual's act in all periods was generated by the Rabbis with their image of the individual and therefore the whole world being swinging either way in the balance:

"Since the world is judged according to most [of its behavior], and the individual is judged according to most [of his behavior], a person is fortunate if he can fulfill even one commandment, for [by doing so] he may tilt the balance for himself and for the entire world to the side of merit. But woe to him if he commits even a single transgression, for [by doing so] he may tilt the balance for himself and for the entire world to the side of blame." (TB Kiddushin 40b)

In that Rabbinic spirit, Martin Buber translates the urgency of the prophetic faith in *tikkun* into the infinite responsibility of each individual for personal *teshuvah* and for *tikkun olam*:

"Each person determines the fate of the world with his whole being and all his acts to a degree that neither he nor anyone else knows; for whatever causality we perceive is only a tiny part of the totality of invisible, infinitely varied action of all upon all."^{CXXV}

Moses Hess: Judaism's Messianic Calling

Moses Hess was a German Jewish socialist who became one of the first communists (working closely with Karl Marx and introducing Friedrich Engels to communism), however he never denied his people and in 1862 he declared his support for socialist Zionism as one of the very first to take a return to the Jewish nation state as a nationalist possibility and a realistic political program.

In his book *Rome and Jerusalem* (1862), Moses Hess explains his return to his people and explains why it is not a betrayal of his universalist message but a perfect synthesis between the Jewish messianic vocation and socialism's unity of humanity:

"A thought which I believed to be forever buried in my heart, has been revived in me anew. It is the thought of my nationality, which is inseparably connected with the ancestral heritage and the memories of the Holy Land, the Eternal City, the birthplace of the belief in the divine unity of life, as well as the hope in the future brotherhood of men."

"In you, says the divine genius of the Jewish family, shall all the families of the earth be blessed (Gen. 12: 3).
Every Jew has within him the potentiality of a Messiah and every Jewess that of a Mater dolorosa.

"Nothing is more foreign to the spirit of Judaism than the idea of the salvation of the individual which, according to the modern conception, is the corner-stone of religion. Judaism has never drawn any line of separation between and the family, the family and the nation, the nation and humanity as a whole, humanity and the cosmos, nor between creation and creator. Judaism has no other dogma but the teaching of the unity. But this dogma is with Judaism, not a mere fossilized and therefore barren belief, but a living, continually recreating principle of knowledge.

"Judaism is rooted in the love of the family; patriotism and nationalism are the flowers of its spirit, and **the coming regenerated state of human society** will be its ripe fruit. Judaism is not a passive religion, but an active life factor which has coalesced with the national consciousness into one organic whole. It is primarily the expression of a nationality whose history for thousands of years coincides with the history of the development of humanity and the

Jews are a nation which, having once acted as the leaven of the social world, is destined to be resurrected with the rest of civilized nations. **When I labor for the regeneration of my own nation, I do not thereby renounce my humanistic aspiration.** The national movement of the present day is only another step on the road of progress which began with the French Revolution.”

In summary, these modern messianic notions of *tikkun olam* – each with their prophetic inspiration – seek to integrate relief of suffering and righting of injustice to the poor with a reconstruction of all human society, both the individual and the social structure. Each envisions activist covenant with God.

Rabbi Irving Greenberg captures this liberal but not revolutionary sentiment perfectly:

“The promise that universal peace can be reached and the earth turned into paradise is astounding. The demand to overcome sickness and poverty is revolutionary. Yet Judaism not only insists that these breakthroughs are possible, but that they will develop in the context of normal human life. There will be a **final redemption within human history** - not beyond it. .. The final perfection will come through humanity, not by rejection of or total transcendence of humanness. It follows that humans are the carriers of the divine message; the secular is the theater of religious action.

In pledging a **covenantal partnership**, the Infinite Source of Life has accepted humans, in all their finite and flawed nature, as the medium of divine activity. Human capacities will set the parameters and pace of *tikkun olam*. Human limitations are allowed for and human needs are met in the structure of Israel's redeeming faith. The Divine illuminates, orients, and instructs humans, but God does not and will not overwhelm them or destroy their dignity or integrity - not even to save them.”^{xxxvi}

The Conclusion of the Book

Sometimes we take the ideology of the “war on poverty” too much for granted as givens of the religious traditions of charity and tzedakah as well as of Marxism and liberalism. *Tikkun Olam* is the sense of reforming the system – economic, political and moral – is a quantum leap beyond sharing our bounty with the needy. Michael Walzer warns that these older traditions – charity and personal tzedakah - offer too little wisdom about the political process, about the advocacy for the poor that might help bring about change:

“The politics of poverty figures hardly at all in the [religious] traditions, even the secular traditions. Marxists are interested in political agency but only for revolution, not for any of the more ordinary, day-in, day-out efforts to help the poor. Liberal egalitarians are concerned with the design of a just society but have little to say about its achievement. (The old labor movement is a model, undervalued and rarely considered among secular theorists today). Religious writers often gesture toward the role of public officials in the relief of poverty but have nothing to say about the political pressure necessary to make sure that the role is responsibly enacted.

Here is the starkest version of the private-public polarity. **Public action on behalf of the poor requires political enforcement; private action requires only moral education.** And moral education is what all the religions' traditions aim at: the making of pious men and women, who will act out of loving kindness, individually and communally, to help the poor. This is not the educational purpose of the modern state, where schooling has different ends in view. Nor is it a sufficient guarantee that the state will do the work it must do if the poor are to get the help they need. At the end, poverty demands a political response.”^{xxxvii}

Walzer characterizes the lion's share of religious traditions of compassion for the needy as restricted to the private realm – person to person care and education of the heart of the giver. In Book Two and Three of the trilogy, *The Dignity of the Needy* and *Comparative Religious Motivations for Giving*, we will consider in depth the Jewish and Christian traditions about the needs of the individual poor and the motives of the voluntary

donor of traditional tzedakah. There we will hear more of what Michael Walzer suggests about the apolitical and private efforts to alleviate the suffering of the destitute without solving poverty, and there we shall see the Rabbinic and modern claim that alms paradoxically “contribute” to the well-to-do much more than to the needy – to the donors’ moral spiritual perfection rather than the economically fallen’s rehabilitation.

However in contradistinction to Walzer’s generalization, in this book entitled, *Duties to Poor People from the Bible to the Welfare State and Tikkun Olam*, we have emphasized Jewish religious visions in which a society as a whole may take responsibility for reforming its institutions. Without utopian notions of *perfecting* the world, *repairing* aspects of the world toward greater support for the needy and toward a modicum of equality in a society of fraternal solidarity is a realizable goal. The various visions of just giving which we have reviewed in this book differ significantly, but they all begin with an ideology of collective responsibility. The Bible frames the value question underlying society’s duties to the poor in the form of a central pressing question articulated by the first brother to betray his brother: “Am I my brother’s keeper?” “Yes!” says God and Biblical tradition. The rationale for economic solidarity between human beings is brotherhood which transcends class differences. Empathy in place of apathy derives from **an imaginative leap of commonality**. The shared solidarity is constructed on notions of common blood all descended from Adam and Eve, a common national history in Egyptian slavery, an outward-looking sense of solidarity with those who like us are persecuted strangers, with our national and religious brothers, as well as a common sense of vulnerability to the vagaries of fate.

In the prophetic tradition we heard a pathos generated not merely by sympathy but by outrage at the way the well-to-do benefit from and exploit the weak. Duties to the poor emerging from the pursuit of justice – *tzedakah umishpat* – grow from different emotional and religious soil, as well as highly critical understandings of the economy and politics emerging from the crookedness of the human heart. The seeds of a protest politics confronting poverty as an endemic political-economic-religious issue can be found in the prophets’ role as advocates of the poor and in the *tikkun olam* models of change.

After laying an ideological foundation for fraternity, the Bible offers comprehensive models for the public sphere that are designed – given their ancient political and economic systems – to help the “structurally poor.” These are the poor who find themselves perennially at the margins of the economy lacking familial support – like the orphan, widow and landless resident alien. These are also the “uninsured” poor with intermittent needs – suffering from a business failure, an illness, an injury, unemployment in an economic downturn.

Within the particular laws of agricultural aid to the needy in the Torah – *peah*, tithe, gleaning – we found a view of poverty that was not tinted with moral indignation but with a profound sense of shared vulnerability and a generous gratitude for God’s bountiful gifts to us that must be shared. In Leviticus 25 the Jubilee system offered the first systematic plan to prevent temporary misfortune from hardening into permanent landlessness, slavery and the decay of national brotherhood. In the Jubilee system we discovered the first comprehensive socio-economic-legal solution to economic misfortune with cyclical self-corrective mechanisms to balance the whole economy and moderate its negative social effects. Not only was maintenance provided as in *peah* and tithing, but the Jubilee makes possible rehabilitation through capitalization – ancestral land and free labor.

With the Rabbis of the Mishna a new model of societal tzedakah was born that we have interpreted as the proto-welfare state. It is founded on compulsory municipal taxes for the poor and systematic distribution according to one’s needs by public criteria executed by an honest bureaucracy. The rabbinic municipal welfare system led us to a comparison with the modern welfare state that provides insurance against risk for all working citizens.

But it is only in the modern era of democratic politics and economic planning that a sophisticated politics and an integrated, fully supervised economy make a “war on poverty” and reduction of random misfortune conceivable, though the war has surely not been won and perhaps has never been fought more than half-

heartedly. These more ancient Jewish traditions can then play an inspirational role in shaping such modern movement for change.

What the end of the 20th C. has produced is a new-old religious Jewish ideology of *tikkun olam* that marks the ethical inspiration and the activism heroism necessary for such pursuit of economic justice, though it cannot offer an institutional methodology and political plan of action to help society take responsibility for its poor. In this last chapter we traced step by step the evolving ideology of *tikkun olam* in its ancient and modern dress. Tzedakah and the duties to the poor are only one aspect of this larger vision of social justice, responsibility and reform. We have learned from these multiple strands of classic Jewish tradition how ambiguous the term *Tikkun Olam* can be. The Hebrew verb “*t-k-n*” has six meanings just in classical texts and the word “*olam*,” usually rendered as “**world**,” can be translated “eternity.” But *Olam* / “world” may refer to **nature**, to the cultivated world of **civilized physical world**, to **legal order of Torah**, to **societal order**, to the political order, and even to a **world wide government**, or the **spiritual inner and higher worlds** or to the **cosmos** or Divine reality, a fully realized **divine manifestation**. So too the methods of repairing these worlds will vary from spiritual meditations to physical services for the needy to political revolution to inner changes of consciousness.

Unfortunately the details of how to imagine global social justice and universal economic rights are not explored in Biblical or Rabbinic or Kabbalist sources as such. Blueprints from our ancient normative texts cannot be lifted and applied directly to Western society. These practical challenges are just now on the agenda of ethicists and social reformers concerned with the world market economy.

Still we may conclude with the uniquely bold vision of one 20th C. rabbi who dared to confront the question of sharing wealth globally among rich and poor nations. Rav Yehuda Ashlag (died 1954, Israel), a kabbalist, a Zionist and a great admirer of socialism, writes with a prophetic voice about economic exploitation on a global scale:

“If an individual is prohibited from exploiting his fellow, then why should a nation be permitted to exploit its fellow nations? What rationale justifies the deriving of preferential benefit from the earth for one nation over another? In other words: what exclusive right of ownership does one nation have more than any other over the raw materials of the earth? Who gave them their law of possession over the land, especially when it was purchased by swords and spears? Why should one nation exploit another, if that is unjust among individuals? In one word: just as it is just to cancel the private property of the individual, so is it just for all nations. Only then will there be peace on earth.” (*Kuntres Arevut*)

Here Ashlag’s utopian socialism is emphasized for all private property must be suspended in order to achieve peace. In the next paragraph he sets his sights on something somewhat less than abolishing ownership of property, but still very challenging: redistributing wealth and resources among nations so they might be more equal:

“Just as distributive justice ought to apply to individuals within a nation, so distributive justice ought to apply internationally – whether in raw materials or means of production or accumulated property. Each nation should be equal – white or black, civilized or primitive, just as equality should reign among individuals within a nation. As long as there are differences wars will not stop.” (*Kuntres Arevut*)

Three Lessons Learned about *Tikkun Olam*

Let us return to the practical take-home lessons from the modern attempt to revive and reapply the notion of *tikkun*. Three points may be distilled for the vision of *tikkun olam*:

(1) **Think big, you can make a difference.** “Thinking big” means considering how each individual act must fit into a fragile system – natural, legal, social, cosmic or Divine. Imagine a better a world by which to evaluate the existing one for what is possible transcends what is. One function of Tikkun Olam as an overall approach to tzedakah and social action may be comparable to **utopian thinking**. Imagination opens up new alternatives or a call to radical revolution or a conservative move to restore what humans have ruined. For example, Avi Sagi^{cxxviii} cites the role of social imagination in human activism:

“*Tikkun olam* is a sublime notion expressing key features of human existence. The leading one is **freedom**. The amendment of reality necessarily assumes **the ability to transcend factuality and be free to shape the world**. *Tikkun olam* attests also to human creativity—we envisage how the world should be. Human beings are free creatures, capable of transcending their actual being and **pursuing the possible, anticipated through imagination**.”

“**Social imagination**’ or **‘cultural imagination**’ is in a key position,^{cxxix} **both as a deconstructive element that criticizes the extant social order and as a constructive element representing alternative options for the organization of social life**.^{cxxx} Utopia or, more precisely, “the utopian mood” or the ‘utopian spirit,’^{cxxxii} fill the important role of social imagination:

“From this ‘no place,’ an exterior glance is cast on our reality, which suddenly looks strange, nothing more being taken for granted. The field of the possible is now opened beyond that of the actual, a field for alternative ways of living.”^{cxxxiii}

(2) **The existing distribution of wealth is not a Divine fiat**, so the prophetic dream of social justice makes us alive to what the social world could become. Beyond maintenance of the needy, there is a real possibility for rehabilitation and elimination of poverty.

The need for rethinking theological axioms that block movements of social reform is made clear by the French philosophe Condorcet, He had to assault the then dominant notion of original sin that was invoked to affirm that poverty is an immutable facet of God’s plan. He also needed to deny conservative Christian religious thinkers who maintained that society could not be restructured because human perfectibility is impossible after the Fall. Amazingly Antoine-Nicolas de Condorcet made his most optimistic claims in his *Sketch for a Historical Picture of the Progress of the Human Mind* written at a time of personal despair. He completed it while in hiding from the Jacobin authorities at the beginning of the Terror in 1793 and it was published after Condorcet's death in a prison cell in 1794. Despite everything, he still proclaimed: “Everything tells us that we are now close upon one of the great revolutions of the human race.”^{cxxxiii}

G.S. Jones elaborates on Condorcet notion of eliminating poverty:

“Against those who maintained that the gulf between rich and poor was an inescapable part of ‘civilization.’ Condorcet argued that **inequality was largely to be ascribed to ‘the present imperfections of the social art.’** ‘The final end of the social art’ would be ‘real equality - the abolition of inequality between nations’ and ‘the progress of equality within each nation: Ultimately, this progress would lead to ‘the true perfection of mankind’: Apart from the natural differences between men; the only kind of inequality to persist would be ‘that which is in the interests of all and which favours the progress of civilisation, of education and of industry, **without entailing either poverty, humiliation or dependence.**’ That would be in a world in which ‘everyone will have the knowledge necessary to conduct himself in the ordinary affairs of life, according to the light of his own reason; where ‘everyone will become able, through the development of his faculties, to find the means of providing for his needs’; and where, at last, ‘misery and folly will be the exception, and no longer the habitual lot of a section of society.’”^{cxxxiv}

(3) You can make a difference. As the kabbalists highlighted, each individual affects the system and each individual can cumulatively redeem the world, restore it, perfect it without awaiting Divine intervention. So, too, politically in a democratic society each individual's voice is crucial.

(4) And yet be realistic. Systems interact with the real world in less than ideal ways. Laws can produce unintended consequences that undermine their ideal. Hence political leaders (like Maimonides' just monarch and the Mishna's Rabbis) must constantly readjust the system to fit the world, just as they sought to mend the world to fit the ideal – where possible. Tzedakah, redemption of captives and interest-free loans must function within the economic rationale of human beings concerned with the community, with the scarcity of the community chest, and with counterproductive though idealistic schemes that make things in effect worse for the people in need. Irving (Yitz) Greenberg makes a central theological virtue out of his this-worldly interpretation of *tikkun olam* which is founded on Maimonides' messianic world in which paradise on earth must be achieved without human nature or physical nature being transformed miraculously.^{cxxxv} Therefore realism is the premise of *tikkun olam*.

For me Yitz Greenberg has naturalized the most modern-sounding notion of *tikkun olam* in its broadest sense and rooted firmly into the most ancient and central of Jewish theo-political notions - the political-spiritual covenant and the Divine-human partnership:

“The promise that universal peace can be reached and the earth turned into paradise is astounding. The demand to overcome sickness and poverty is revolutionary. Yet Judaism not only insists that these breakthroughs are possible but that they will develop in the context of normal human life. There will be a **final redemption within human history** - not beyond it. Judaism is not content to be a mega-vision of historical transformation. Nor would it simply deliver some cosmic revelation that dwarfs humans into insignificance with its gigantic purposes. The final perfection will come through humanity, not by rejection of or total transcendence of humanness. It follows that humans are the carriers of the divine message; the secular is the theater of religious action.

“In pledging a **covenantal partnership**, the Infinite Source of Life has accepted humans, in all their finite and flawed nature, as the medium of divine activity. Human capacities will set the parameters and pace of *tikkun olam*. **Human limitations are allowed for and human needs are met in the structure of Israel's redeeming faith.** The Divine illuminates, orients, and instructs humans, but God does not and will not overwhelm them or destroy their dignity or integrity-not even to save them.”^{cxxxvi}

"What constitutes an act of *tikkun olam*? How much achievement makes a human being a partner in creation? In essence, the answer is each "bit" of constructive work is as significant as a divine creative act. **Each and every act upgrading the universe is of cosmic significance** because, bit by bit, is how the mosaic of perfection will be accomplished." ^{cxxxvii}

Orientations toward our Imperfect World: On Fixing the Road as a Metaphor

Tikkun olam entails an activist attitude to what is wrong with the material and social world that enables people to maintain hope and loyalty toward a less than ideal world. It contrasts with a classical Stoic approach that dismisses the importance of the material situations and social opinions in which a person, that is, a soul or mind finds itself. Being sick, enslaved or dishonored are meaningless because one's free will is exercised over what subjective stand one's mind takes towards the world, not over the objective givens. While this Stoic perspective protects humans from the frustration of those aspects of life over which one has no control, it also tends towards passivity in terms of changing the world, even though one is very active as an interpreter of the world. At the end of the Babylonian Talmud's treatment of marriage law they present three points of view toward the land of Israel which might apply to any situation: one wholly idealizes the world without regards to its worldly reality;

one fixes what is wrong piecemeal, and one looks on the bright-side of any situation rather than dwelling on what is wrong. While these three positions have been read as trying to defend the good reputation of Eretz Yisrael as against the ten spies who bad-mouthed the land of milk and honey that God had promised them (Numbers 13: 32), this interpretation broadens the question of this anthology of responses to how one relates to any reality in which one lives or to any person to whom one is married:

- (1) “Rabbi Abba kissed the stones of Acre [the first city in Eretz Yisrael as one arrives from the northwest]. Rabbi Hiya bar Gamda rolled in the dust [of Eretz Yisrael], for it is says, *For your servants have cherished her stones and favored her dust.* (Psalm 102:15).
- (2) Rabbi Hanina fixes (*tikein*) what is wrong [literally, obstacles in the road over which one might stumble].
- (3) Rabbi Ami and Rabbi Assi used to get up and move from the sunlight to the shade [in the heat of the summertime] and from the shade to the sunlight [in the cold of the winter].” (TB Ketubot 112a-b)

Both Rabbi Abba and Rabbi Hiya bar Gamda love Israel and see it - through that love – as without blemish. Its rocks and dust are personified and romanticized. The symbolic significance of the land blots out its material reality and its flaws. However such an approach does not lead to improving the situation. Often the façade of unlimited praise and uncritical love may simply collapse and leave no realistic basis for relationship. One suspects that such romantics as Abba and Rabbi Hiya bar Gamda are not in love with anyone or anything real, but enamored by an image of perfection projected on reality, an illusion that will ultimately disappoint them and break the dreamer. This is how Erich Fromm, the psychologist of *The Art of Loving*, distinguishes between “being in love” - which is reflexive and adolescent - and loving someone real in a dialogic relationship. Presumably these two rabbis could not abide anything less than a perfect beloved, so their love is head-over-heels and it is necessarily a blind love. If however one holds that all beauty is in the eyes of the beholder and objective criteria are irrelevant, then perhaps Rabbi Abba’s love is viable and not to be dispelled in the name of realism.

By contrast, Rabbi Ami and Rabbi Assi see Israel’s faults realistically and they admit their discomfort. But they do not condemn Israel for *its* failure to live up to *their* ideals as if the world must revolve around human subjectivity. They adjust themselves to enjoy the best that the world has to offer them without lying to themselves. They see the glass as half full without fooling the selves. They do not put the world to the test of their high standards and find it wanting, but they adjust their expectations and their experiences to fulfill their expectations. However they too do not change the world but only their places from which to see it.

Finally, “Rabbi Hanina fixes (*tikein*) what is wrong.” His Promised Land does not have to be romantically perfect and always comfortable. Its blemishes or its serious faults are an invitation to improvement. The Promised Land is a place of promise, not yet of fulfillment. Its fulfillment depends on its human residents, rather than descending as God gift of redemption descends from heaven like a bejeweled heavenly Jerusalem now on earth. The ideal is a process, a work in progress. The relationship is built by an activism that does not seek to judge the Promised Land as the ten spies did when they asked and answered the questions: Is it worth it? Can it be conquered? The ten spies treated the world as a consumer evaluates a purchase. They remain indifferent because they are not yet married to the land. They can take it or leave it. But the two positive spies regard the land of Israel as God’s gift to his new bride, the home they will live in. To reject the gift is to reject the marital covenant with God. Rather they will invest in the relationship and fix it and make a life together not based on blind love but working out the issues. Their commitment grows as they make the promise come true a step at a time.

Fixing the roads, *tikkun olam*, is a non-perfectionist approach to the world that is process-oriented. Hence it fixes the road, removes some obstacles, and enables a long-term relationship with the land. The “problem” with Israel becomes its energizing challenge; criticism becomes an assessment of what and how to improve the

situation; one's alienation becomes one's investment; one's distancing judgment of what is becomes one's engagement in changing what will be. Theodore Herzl, as he composed his literary vision of the Jewish state, wrote to himself in his diary that he did not want to raise any crippling criticism and doubts while he was developing his dream because it would be so easy to denigrate the potential for change. The vision must nurture willpower and trust in as yet untested possibilities, before turning to fodder for self-defeating intellectuals.

Similar to Rabbi Hanina's approach is Herzl's. For Herzl the "promise" of the Promised Land begins not with what we find there, but with what we bring *to* it. As a Zionist now in Israel for 40 years Herzl's celebration of an activist love of country inspires me and gives new meaning to the concept *tikkun olam*:

"No one has ever thought of looking for the Promised Land in the place where it really is – and yet it lies so near. It is here, within ourselves! For everyone will carry over there, in himself, a piece of the Promised Land. This one, in his head, that one, in his hands, the third in his savings. The Promised Land is where we carry it.

I know where the country lies - in ourselves! In our capital and our labor." (Theodore Herzl, *Diaries*, June 18, 1895)

Postscript: *Tzedek*, Tzedakah, and a Heroic Initiative for Legislative Reform

In our postscript to a book on societal duties to the poor and to our chapter on *tikkun olam*, we bring for your consideration a remarkable case of legislative reform to prevent oppression of the poor.

Rabbi Yom Tov Tzahalon (Safed, 1559-1638) was asked to issue a judgment on an unusual tax case that came before him. A local rabbi took the initiative to rescue some poor people from the oppression of the non-Jewish ruler with a guarantee that some wealthy Jews would back him up if necessary. But they reneged and refused to share in the outlay. What was the case? In order raise money from the Jewish community the ruler was forcing the purchase of unwanted grapes on poor Jews and then charging them for the produce. The local rabbi, whose name is not recorded, "sees that the communal distress from the outcry of the poor was great," and so he approaches a non-Jewish noble to negotiate a fixed tribute from the community as a whole in lieu of the tax on the unwanted grapes that fell exclusively on the poor. However the local rabbi had to make bond as the personal guarantor of the revised communal payment. The local rabbi committed himself only after obtaining the agreement of ten leaders of the Jewish community who swore that they would raise the taxes to pay the tribute and rescue the poor from oppression. However the leaders did not raise enough money and so the rabbi was set to lose all he had put up as collateral.

How did Rabbi Yom Tov Tzahalon respond when he received a request to rule on this case? He answered definitively that it would be an injustice to this scholar "who took the initiative **to build a city of justice and tzedakah** to repay good with evil." Besides "the law is that the whole community must repay what the scholar paid even if he acted without the official consent of the council and what he did is done. For this scholar engaged in *tikkun darkei ha-medina*, in fixing the ways of the state, for the success of its residents, for the sake of Heaven and to rescue the oppressed from the hands of the oppressor. Of course his *takkana*, his act of repair, his official arrangement, is valid even without the council's knowledge. For this is analogous to a judge who can issue legislation to rebuke and to separate residents from violations [as defined by the Torah] against their will even though some of them do not consent and they recoil from his rebuke. So too this *takkana* is to separate the residents from violations" - the arrangement for the community to pay the tribute that will exempt the poor from oppression – "for you have no greater violation than robbery, oppression and despoiling of the poor and from the exploitation of the poor and widows. If the rich do not pay attention to their sin, then may a

blessing come to the scholar who made this *tikkun*, this reformatory legislation, for them.”(New Responsa of the Mahariatz #168)

Generally medieval Rabbinic tax law is democratic, meaning the citizens of the Jewish community have the right to tax their members based on their consent, in the spirit of the American revolution’s slogan – “no taxation without representation.” However when the government violates the principle of equity, for example, by assessing taxes according to one’s ability to pay – “from each according to their ability,” then the judges can review that legislation and veto it. In this unique case one scholar-cum-political leader has made a new arrangement with the non-Jewish rulers to redistribute the burden of tribute so that the wealthy will bear it, not the impoverished. He is praised him for “**building a city of justice and tzedakah.**” He calls this arrangement a *takkana* that fixes the state, just as Maimonides did. But he adds that it also rescues the rich from the sin of ignoring the plight of the poor and from the more serious crime of robbing them by making them pay disproportionately the burden of tribute to the oppressive non-Jewish ruler. Thus in a prophetic sense of *tzedakah umishpat* - the pursuit of justice in economic relations between rich and poor – the scholar becomes a social activist who reorganizes society in the direction of greater distributive justice. In the end such social action reorders the usual laws of taxation.

This medieval rabbi’s daring reminds me of the massive social protest for economic justice that swept Israeli society in 2011 as I composed these chapters. The protest lead the government to appoint a blue ribbon committee of economists and experts in education, health and sociology to make specific suggestions about how to readjust the state budget and the tax policies to increase equality and fairness among the burdens on Israeli rich, middle class and poor. The protest was clearly a modern-day example of Israeli society’s pursuit of *tzedakah. umishpat*, though its effect on long-term societal policy will still require much followup.

Postscript:
 The Medieval Synagogue Protests
 and the Israeli March of a Million (Sept 3, 2011)

Not system of social justice functions however just its laws and however well-intentioned its leadership is unless the civil society speaks up to protest injustices and inequities. We began our first chapter of this book, “Israel’s Vocation for Social Justice,” with Biblical models of protest at the injustice of the powers that be: Abraham’s appeal against the King of kings’ decision to destroy Sodom. We mentioned the prophet Nathan’s sophisticated critique of King David’s adultery with Batsheva and the killing of Uriah and Elijah’s public accusations against King Ahab for killing Navot and confiscating his hereditary vineyard. We saw the verses in the Torah that warn perpetrators of injustice to poor widows and orphans that those victims will raise a cry to God who will then punish them:

Do not abuse any widow or orphan. Because if you should abuse them, then they will certainly cry out to Me and I will just as certainly hear them. Then I will become angry and kill you with the sword, so that your wives will become widows and your children orphans. (Exodus 22: 21-24)

In the Second Temple era Josephus reports that the young Herod, before becoming king, killed a man named Hezkiah as well as other Galileans. Then “the mothers of those killed by Herod aroused the anger of King Hyrcanus by pleading daily to the king and to the people in the Temple” until Herod was put on trial before the Sanhedrin.^{cxxxviii}

Whether the protest against injustice is initiated by the victims or religious leaders concerned with the character of society, the social justice quotient of a society is measured both by its enabling people to

criticize the government and by its response to those calls for *tikkun*. In this postscript we wish to cite two examples of how a society can raise its social justice quotient: (1) a medieval tradition of stopping communal prayers until a single person's complaints about injustice are addressed, and (2) the 2011 protest in modern Israel with 450,000 participants demanding a change in government policies which treat various segments of the population unequally.

Ikv Tefillah: Holding Up Communal Prayer until Justice is Done^{cxvix}

After the loss of political independence and the demise of the Sanhedrin in Yavne and then Tiberias after 70 CE, the synagogue often became the center of Jewish political, legislative, judicial, social and religious life for Jewish minority self-government.³⁶ In fact, synagogue means not house of prayer (*beit tefillah*) or house of study (*beit midrash*) but house of gathering (*beit kneset*). The Jewish city council would meet there and their elections held there; rabbis would conduct court proceeding and administer oaths with the Torah scroll; *gabbaei tzedakah* (collectors of tzedakah would assess taxes and distribute foods in synagogues); and public legal announcements would be issued such as announcing lost objects or shaming adult children who do not support their aging destitute parents^{cxl} or rebellious wives who if they do come to heel will lose their *ketubah* payments. Therefore when injustices were not properly managed in the view of the plaintiffs, then they might run to the synagogue to "file" their protest in an oral declaration in the midst of services.

In Muslim lands this legally- sanctioned, synagogue-based procedure was called *tze'akah* and in Ashkenaz *ikuv tefillah*. In 11th C. Cairo, for example, a woman abandoned by her husband without funds protested in the synagogue:

"Community of Israel I cry out to God and to you over the injustice . . . and I ask the head of the community, may God strengthen him and protect him, to do me justice. If not I will be forced to turn to the courts of the gentiles."^{cxli}

In Sefer Hasidim one paradigmatic reason for stopping public prayer was to handle tzedakah collection for the poor: "From here^{cxlii} we learn that **a person can close the synagogue in order to treat the issue of giving tzedakah to the poor and to shame anyone who does not want to contribute.**"^{cxliii} But most of the cases reported in Ashkenaz regard plaintiffs who are owed money and the defendant or witnesses refuses to come to court or the judges have delayed making decision on the matter.

There was tendency for the aggrieved parties to disrupt prayers time and time again. On one Shabbat the whole Torah reading was cancelled and two Torah readings had to be read the following Shabbat.^{cxliv} The community sought to set rules to regulate but not to suspend the right of *ikuv tefillah*.³⁷ Sefer Hasidim recommends:

³⁶ In Geonic Babylonia the yeshivot, Resh Galuta and the system of Jewish courts took over the over governmental functions for all the Jews of Muslim lands. But when the *geonim* lost their power and when local Jewish communities became independent, especially in Germany from the 11th C. then the local synagogue was the locus of self-government enforced generally by the threat of social excommunication. When synagogue protestors interfered with the service in North Africa a land partially under the jurisdiction of the Geonim, then one anonymous gaon ruled:

"If the plaintiff held up the service to arouse people to aid him/her in this cause, that is permitted. But if one continued to plead and to prevent the continuation of services, that is not permitted and the plaintiff must be restrained, and prayer must go on. However in Iraq [as opposed to North Africa] we do not have this custom for the public [represented in the synagogue] are not responsible for the judicial system but rather the court is authorized in this matter and they can issue a warning, curse or excommunication to the [recalcitrant] defendant. Therefore in any place where a judge is appointed to execute justice, the plaintiff should turn to him and not to the public [in the synagogue]." (Responsa of Geonim, edited by Asaf, 108)

³⁷ "When someone sues another to appear in court but the defendant refuses to appear, then the plaintiff may not cancel the whole service until he has cancelled [lesser prayers] such as *yotzer* and *minha* and Torah reading [by his protest] at least three times [without his grievance being met]. If there are two synagogues in one city, he may not cancel services in the synagogue where the plaintiff does not pray. However if he has cancelled three services [in one synagogue without results], then he may cancel them in both synagogues." (Takkanot of Rabbenu Gershom cited in Responsa of the Maharam)

“One of the leaders of the council whose voice will be heard should protest to the plaintiff holding up services ...Anyone who prevents the Torah from entering in order to force his wishes on the community – when the good people [who are pious and not corrupt plutocrats] say the plaintiff is not acting according to the law – then the Torah will cry out to the plaintiff: ‘So-and-so you will not come to this place in peace’ and that is pronounced over him and his soul.”^{cxlv}

But the leader of the services could not ignore the protest and go on with the service unless the city council approved this move.^{cxlvi} Later in the 16th C. in Poland Rav Ephraim Luchitz condemned the whole tradition, without much success:

“This terrible custom of *ikuv tefillah* called *klammen* is such a criminal sin that one’s mouth cannot express how bad it is. Who is the plaintiff holding up? He is holding up the Creator of the world by not giving him his praise until they do what he wants of them. In the synagogue raucous cries are heard among the fighting factions and that is a public shame before our [Christian] neighbors such that it has become their custom to go to the synagogues [as spectators] to see what the Jews are doing.” (Luchitz, *Amudei Shesh*, The Pillar of Worship)

Despite its abuses this tradition of public protest by victims of injustice is both a right and a duty. It is a right that empowers the marginalized when the institutions of government ignore them for lack of their clout,^{cxlvii} but it is also a duty for the good of *tikkun olam* in society. One aggrieved individual explained, in simple and eloquent terms, why he was disturbing the services (11th C. Cairo):

“I cried out for justice to you as a man of Israel is obligated to cry out for help to the judges of Israel and to the communities of Israel.”^{cxlviii}

The March of the Million

In the summer of 2011 Israeli young people began a protest movement for greater social justice and the renewal of a social welfare state (with quality public education, improved medical care and affordable housing), and controlled prices on basic foods like cottage cheese. In seven weeks the demonstrations – without any political parties or parliamentarians involved – grew to about 450,000 on Sept 3, 2011. This number represented 10% of Israeli voters, mainly below 35 – 40, led by twenties-something students, who gained them 85% approval ratings in opinion polls. They refused to limit their protest to one sector or to make it a political campaign to change the coalition in power. Rather, they demanded that civil society become active and that the government respond by changing its priorities, in order to give greater social justice rather than greater capitalist development. In short, the movement was an example of making a dream of *tikkun olam* central, though that term was not in their vocabulary. Their watch word was “social justice (*tzedeq hevrat*), not charity (*tzedakah*)”. Besides social justice, one of their most important themes was “solidarity,” in contradistinction to the ethos of individual competition in an increasingly capitalist Israeli society. The second theme was “change,” as the belief that involved, not apathetic, citizens can make significant social change. The third was returning “hope” (*tikvah*), the name of the Israeli national anthem, and the ability to “dream” to the Israeli social-political arena.

It is fitting to bring in our postscript the speech given on the night of the largest demonstration in Israeli history by the 25 year old ex-Jerusalemite want-to-be film director, Daphne Leef, who triggered the demonstrations when she posted an invitation to protest on Facebook and thus triggered the construction of symbolic tent cities throughout Israel to protest the lack of affordable housing and seven weeks of ever growing demonstrations for social justice and a change in the society’s priorities. In her speech she touches on the dream and the hope at the root of *tikkun olam* as well as of the original Herzilian project:

“Something massive, something huge happened this summer. Summer 2011 is the big summer of the new Israeli hope. This hope was born, like many hopes, out of a feeling of despair, alienation, inequalities that became impossible for all of us, inequalities that almost became impossible to overcome.

“The Israeli society that stands here – and also, it’s important to note, also the Israeli society that chose to stay home this evening – reached its red line. And then it stood up and said: Enough! No more! You can cheat some of the people some of the time, but you can’t cheat everyone all the time. This summer we woke up and refused to keep walking with our eyes shut towards the abyss.

“My generation grew up with the feeling that we were alone in the world. It’s us versus the TV screen. That the other is our enemy, that is our competitor. We grew up with the feeling that we are living in a race we have no chance of winning, that we mustn’t rely on anyone else. They taught us that it’s either you or him. That’s capitalism – unending competition. The fact that this generation – the loneliest and most withdrawn generation – stood up and did something is nothing short of a miracle. The miracle of the summer of 2011. We were closed up each of us in his own cycle, a cycle of dissatisfaction, in a feeling of absurdity. And suddenly we began to talk, and more importantly: We began to listen.

“The State of Israel screwed over and continues to screw over its periphery systematically and methodically from the moment it was established. In education, health, infrastructure, housing, welfare, culture. To talk of ‘periphery’ is to perpetuate the old discourse that cuts out human beings, that tells them: You are put aside. You are remote. Your needs are less important and your demands are worth less. This summer we proved to everyone that there is no such thing as periphery – we are all central! Every single one of us! We reduced the physical distance between us and we found out that it’s good that way, that we want to remain close.

“I’m 25 years-old. What are my biggest memories of this country? The Lebanon War, the period of terrorism, friends who were killed then, the assassination of Rabin, the kidnapping of the soldier Gilad Schalit. And that’s even without going into the fact that I’m a third-generation of Holocaust survivors. This was my consciousness. Moments and memories laced with death, loss, pain, fear, and the feeling that everything is temporary.

“At the demonstration in Afula I saw a sign: ‘For 31 days I have been proud to be Israeli.’ I stand before you and say: ‘I am now proud to be an Israeli - for 7 weeks.’ I feel we are together building here our self-worth as a society. **To say ‘I deserve’ means that someone else also deserves, that we all deserve.** This summer brought with it many good moments and memories – of hope, of change, fraternity, listening.

“A discourse of life has been created. It’s the most important awakening that has been here. We are not here just in order to survive, we are here in order to live. We are not here just because we have nowhere else. We are here because we want to be here. We choose to be here, we choose to be in a good place, in a just society (literally, a society that is subject to repair that meets civilized standards, *hevrah mitukenet*), we want to live in society as a society – not as a collection of lonely individuals who each sit in front of one box, the TV, and once every four years put a slip in another box – the polling box.

“We’ve created a new discourse here. This is the new discourse: **We’ve replaced the word pity with the word compassion. We’ve replaced the word charity (*tzedakah*) with the word justice (*tzedek*). We’ve replaced the word donation with the word welfare. We’ve replaced the word consumer with the word citizen. We’ve replaced the verb ‘to wait’ with the verb ‘to change’. We’ve replaced the word alone with the word together.** This is the greatest thing that we’ve done this summer. I don’t know about you, friends, but it’s already irreversible. We’ll not agree to go backwards! We are striding forwards, to a better future, to a more just country. **Social Justice (*tzedek hevrat*)!**

“We’re all of us imprisoned somehow in our social status, in our neighborhoods, in our religion, our gender. And then I realized that we’re not imprisoned – it’s that we’re imprisoning ourselves! We all have an overdraft, but the overdraft is in the interest of the banks, it’s in the interest of the entire financial system of the state. **But where there is distress there is no hope, and where there is no hope there is no chance of change, and where there is**

no chance for change there is nothing to live for. But this summer, day after day, week after week, we went out to the streets and clarified not just to the government, but also to ourselves, that there is something to live for! The moment we realized this, the moment we began to think about a shared tomorrow, we all set out to freedom!

“What will tomorrow bring? We’re all asking what tomorrow will bring. What will happen to the tents, what is happening with the protest, where next and what to do ... **All this demand for the fateful day, for the victory photo, for the decisive moment – there’s no such thing, my friends.** Was there one fateful day when the social gaps became unbearable? Did swinish capitalism mark a particular moment of victory? Can we put our finger on that one privatization too many? There was no such moment. There was a process. Likewise now **there is no moment – there’s a process. This process of ours is just beginning now. We have demands of the government and its head because things must change.**

“40% of us are defined as “**financially fragile**”. That means that 40% of us can’t cope with an unexpected outlay: dental care for the kid, a burst drain, injury. We are all living on the edge, by the skin of our teeth, pushed to take out another loan, to need more, to save less. Our lives have become a financial war of survival, while the state abandoned our pensions to games on the stock market, and privatized more and more of the basic services.

“You know what the worst phrase is? **The small citizen.** There are laws against insulting a public servant, but there are no laws against insulting the citizens. And they’ve insulted us enough over the past few years. They’ve pushed us towards poverty, played with us, split us from each other. Don’t know about you, but I don’t like it when they laugh at me, and I don’t like it when they play with me. The citizen is not small! The citizen is the largest there is! To be a citizen, a large citizen, and to understand this, is the greatest challenge that stands before us. The demands of this protest are exactly based on the understanding that we are not willing to be small citizens any more, mere consumers. We are not willing to be a target audience any more, just a sector, just a tenth. We will no longer hole up in our tiny bunkers and wage our war of existence alone. That era is over.

“From now on there’s something new: From now on we are together. **We demand change, and we demand to be part of that change.** We have begun a new discourse, a discourse of hope, of sharing, of solidarity and responsibility. I want to ask the Prime Minister, to ask all the politicians: Look at what happened here, at what is happening here – is this what you want to defeat? Is this something you are able to defeat? You are the people’s representatives. Listen to the people! This protest, that gave so much hope to many people – do you want to break this hope? Is that what you want? To melt down the hope? You will never succeed!

“A person very close to my heart, Alex, put an end to his life. He was a poet. He wrote that even if you have a heart of gold, you will not manage to change the world. Two months before all this started up, he couldn’t be here any longer, and he chose not to be.

“How can a person like that, a dreamer and an idealist, feel that he no longer has a place in this world? If he has no place in this world then I suppose I have no place here either. And my heart hurt. My heart was broken. What kind of a world is it that has no room for dreamers, idealists, poets? What kind of world cuts them out? A world of poverty. Because all of us are dreamers and we all have the right to dream. To be poor isn’t only not managing to make it to the end of the financial month or to be homeless. To be poor is to be troubled by these things, fundamentally, to such an extent that you are not able to dream, to think, to learn, to hug your children.

“So I started this thing. But just because I started it doesn’t mean it’s mine only. It’s not just my story, it’s the story of many people who stood up and started walking, stood up and began to do something. We all decided to be. We decided to be here. Here we are.

“This summer we learned that we all of us have a place. That tomorrow will be what we make of it. And after this summer we know that it’s okay to dream. More than that. We understood that we must dream! To dream is to be.

“Seven weeks ago I was a 25 year-old who was struggling alone with her private dreams – to make movies. In the past week I’ve been attacked from all sides, and they almost managed to make me feel alone again. Don’t know about you, but I’ve just started my protest...

“I’ll be here as long as necessary. I want to show Alex that yes, you can change the world, that everyone can. You only need to believe, get up, and do something. The responsibility is on each and every one of us. To stand up and move and talk and do and not give up. In taking to the streets, we found home!”

- ⁱ Excerpted from Emerson, "Man the Reformer," 1841.
- ⁱⁱ *The Diary of Anne Frank* cited in J. Telushkin, *Ethics* Vol. II, 138
- ⁱⁱⁱ Irving Greenberg, *The Jewish Way: Living the Holidays*, 124
- ^{iv} J.J. Schacter, "Tikkun Olam: Defining the Jewish Obligation" in *Rav Chesed*, essays in honor of Haskel Lookstein, edited by Rafael Medoff, 189f
- ^v Yuval Sherlo, *Btzedek Ehezeh Panekha*, 60-61
- ^{vi} NY Times Magazine April 13 by Daphen Merkin.
- ^{vii} J.J. Schacter, "Tikkun Olam: Defining the Jewish Obligation" in *Rav Chesed*, essays in honor of Haskel Lookstein, edited by Rafael Medoff, 189f
- ^{viii} Arthur Waskow, *Down-to-Earth Judaism: Food, Money, Sex, and the Rest of Life* (1995).
- ^{ix} Jill Jacobs, "The History of Tikkun Olam" in *Zeek*, July 2007, see also her *There Shall be No Needy: Pursuing Social Justice through Jewish Law and Tradition*
- ^x Jill Jacobs, "The History of Tikkun Olam"(2006) posted on website of *Zeek* magazine www.zeek.net/706tohu/ and then reworked in her lovely book, *There Shall Be No Needy: Pursuing Social Justice Through Jewish Law and Tradition* (2009). All citations are quoted from the website article. Jill Jacobs, Director of Education for the Jewish Funds for Justice (JFSJ), a national public foundation dedicated to mobilizing the resources of American Jews to combat the root causes of domestic social and economic injustice.
- ^{xi} L. Fine, "Tikkun: A Lurianic Motif in Contemporary Jewish Thought," in Marvin Fox, Vol. 4, ed. J. Neusner . An abbreviated version appears in My Jewish Learning website from which citations have been reproduced.
- ^{xii} Gilbert Rosenthal, "Tikkun Olam: the Metamorphosis of a Concept"
- ^{xiii} Avi Sagi, "Tikkun Olam: Between Utopian Idea and Socio-Historical Process" in his *The Challenge*
- ^{xiv} M. Lorberbaum, "Tikkun Olam according to Rambam," *Tarbitz* #64, 65ff
- ^{xv} Sagit Mor, "Tiqqun 'Olam (Repairing the World) in the Mishna: From Populating the World to Building a Community" (based on her PhD. at the Hebrew University).
- ^{xvi} http://en.wikipedia.org/wiki/Tikkun_olam
- ^{xvii} See also Arnold Jacob Wolf, "Repairing Tikkun Olam" [*Judaism* 50:4]
- ^{xviii} Norman Lamm, "Thou Shalt Not Destroy" in *Trees, Earth, and Torah: A Tu B'shvat Anthology*, edited by Ari Elon, Arthur Waskow, Naomi Mara Hyman, 106- 111
- ^{xix} The rabbis debate whether the extension of the protection of valuable objects from fruit trees to all useful objects is an extension of the law by the rabbis as a takkana, a rabbinic enactment, or an explication of the Torah's original prohibition.
- ^{xx} See TB Hullin 7b; Tosefta Baba Kama 115b
- ^{xxi} Abraham Isaiah Karelitz, Hazon Ish, on Maimonides, *Laws of Kings* 6:8
- ^{xxii} Rebbe Shneur Zalman of Ladi, applying the law of *bal tashhit* even to ownerless property (*hefker*). Shulkhan Arukh HaRav on *Shemirat Haguf va Nefesh* 14
- ^{xxiii} Norman Lamm, "Thou Shalt Not Destroy" in *Trees, Earth, and Torah*, 108 - 109
- ^{xxiv} Turei Zahav to Shulkhan Arukh Y.D. 116:6
- ^{xxv} *Havot Yair* Responsa on Y.D. #195
- ^{xxvi} Norman Lamm, "Thou Shalt Not Destroy," 110-111
- ^{xxvii} Ismar Schorsch, "Trees for Life," in *Trees, Earth, and Torah: A Tu B'shvat Anthology*, edited by Ari Elon, Arthur Waskow, Naomi Mara Hyman, 236-237
- ^{xxviii} Ismar Schorsch, "Trees for Life," 236-237
- ^{xxix} Schorsch, "Trees for Life," 236-237
- ^{xxx} Gate of *Heshbon HaNefesh*, Chapter 22, is translated into Hebrew by Shmuel Ibn Tibon using the terms *takanat haolam* and *yishuv haolam*. In discussing asceticism Bakhya says not everyone in the world can be ascetic dedicated to other worldly spirituality because some must preserve the worldly order, *Takanat HaOlam. (Duties of the Heart, Asceticism, Chapter 1* cited in M. Lorberbaum, "Tikkun Olam," 70-71).
- ^{xxxi} "The ruler is the servant of the Law and the protector of good policy; it is by both of these that rule is established and a kingdom endures. The ruler not only protects civil society; he also leads people to follow religious laws and develop just habits and virtues. While Bahya's terminology has echoes of the political theory of al-Farabi, this theme is also prevalent in discussions about the caliphate in mainstream Islamic legal theory." (Diana Lobel, *The Sufi-Jewish Dialogue*, 142)
- ^{xxxii} Maimonides identifies the anti-social character trait – holding a grudge – as an impediment preventing people from engaging in economic transactions. He recommends following the golden mean that forgoes holding a grudge. (*Laws of Character Traits* 7:8)
- ^{xxxiii} *Aleinu* is also preserved in the mystical Hekhalot or Merkavah prayers in singular voice, *Alay Le-Shabbeakh*, as the personal prayer of Rabbi Akiba who ascends to the heavens and sees God's awesome royal entourage. Its style is typical of sacred poetry of

Eretz Yisrael, 5th C. CE. Akiba prays that the cosmic kingship will be recognized by all earthly inhabitants (Michael Swartz, "Alay Le-Shabbach: A Liturgical Prayer in Ma'ashe Merkabah," *Jewish Quarterly Review* #78, Nov. – Jan. 2-3, 179-190) .

^{xxxiv} Since at least the 14th C. after the Crusades, this prayer has concluded every Jewish prayer service (Ismar Elbogen, *Jewish Liturgy*, 71)

^{xxxv} J. Jacobs, "The History of Tikkun Olam"

^{xxxvi} Sagit Mor explains: "This cluster contains ancient enactments from the Second Temple period. The main significance of the enactment is that it is an institutionalized act that is the product of an official and authorized body (the court and its head). As a result of editorial decisions, these original enactments were augmented with additional enactments and laws from later periods – from the era of Usha and through to the generation of R. Yehuda Hanasi and his circle

For discussions on the nature of the enactment and its role in Tannaitic halakha see: Ephraim E. Urbach, *The Halakha: Its Sources and Development*, (Masada, Yad la-Talmud, 1984) 69-70 and Menachem Elon, *Jewish Law: History, Sources, Principles*, Jerusalem 1992 [Hebrew], chapters 13-14 (see especially his definitions of halakha and gezera on p. 213)."

^{xxxvii} Suzanne Last Stone, "Sinaitic and Noahide Law: Legal Pluralism in Jewish Law" in *Cardozo Law Revue* 1185, 1990-1991, and fn. #113

^{xxxviii} S. Davis, "Philanthropy as a Virtue in Late Antiquity and the Middle Ages" in J. B. Schneewind, *Giving*, 4 which cites Aristotle 1137b.

^{xxxix} Sagit Mor, "Tiqqun 'Olam (Repairing the World) in the Mishna"

^{xl} Mishna Gittin 4:2: "At first a person used to convene a Court in another place and cancel it. Rabban Gamliel the Elder enacted in the public interest (*mip'nei tikkun ha-olam*) that they should not do so. At first a person used to change his name and her name, the name of his city and the name of her city, and Rabban Gamliel the Elder enacted in the public interest (*mip'nei tikkun ha-olam*) that he should write, "The man so-and-so and every name that he has," "The woman so-and-so and every name that she has."

The rabbis made this rule because they were concerned that a woman might receive a *get* (divorce document) and think she was divorced when in fact she was not. She might then remarry in good faith not knowing that she was not yet a free woman. In Jewish tradition there are severe consequences if a married woman engages in sexual relations outside of her marriage. She may not marry the man with whom she had sex and her children are ineligible to marry most other Jews because they acquire the technical status of *mamzerim*.

As an explanation of rabbinic laws, the phrase *mip'nei tikkun ha-olam* is also invoked for laws about the collection of the ketubah money for a widow (Gittin 4:3), the limit on payments to redeem captives (Gitten 4:6), purchasing religious articles from non-Jews (Gittin 4:6), divorce threatened by vows (Gittin 4:7), and the bringing of first fruits for land purchased from non-Jews (Gitten 4:9). Several additional uses are found in Gittin 5:3. (Wikipedia, *Tikkun Olam*)

^{xli} Jill Jacobs explicates one such Mishna: "In Jewish law, a husband may divorce his wife by giving her a *get* (divorce document), either in person or by means of a messenger. As soon as the woman accepts this *get*, she is divorced and free to marry another man. There is no way for a woman unilaterally to divorce her husband....In the case of marriage and divorce, a primary concern is that a woman who is already married will have a child with another man. A child born of such an affair is considered to be a *mamzer* and is prohibited from marrying a Jew who is not also a *mamzer*. Though most often translated as "bastard," the status of *mamzer* should be distinguished from the connotation of the English word "bastard," which refers to a child born out of wedlock. Given the massive repercussions for a child born of an adulterous affair, the rabbis spend a great deal of time trying to ensure that there is no confusion about who is and is not married.

As the Mishna tells it, men tend to change their minds about whether to divorce their wives. In a number of cases, the rabbis combat this male fickleness by closing legal loopholes "for the sake of *tikkun ha'olam*." For example:

At first, a man [who had already sent his wife a *get* by means of a messenger] would set up a *beit din* (court) in a different place [from where the wife lived] and cancel the *get*. Rabban Gamliel the elder established (*hitkin*) that this should not be done, for the sake of *tikkun ha'olam*. (Mishna Gittin 4:2)

In this example, a man sends his wife a *get*, changes his mind about the divorce, and sets up a legal court to annul the *get*. Soon afterwards, the woman receives the *get* and, not knowing that this *get* has already been cancelled, marries again. The children of this second marriage are considered *mamzerim*, and therefore unfit to marry anyone who is not also a *mamzer*. Alternatively, a legally-savvy woman might receive a *get*, recognize the possibility that this *get* might already have been cancelled, and refrain from marrying even though she is legally permitted to do so. Given the rabbinic emphasis on the obligation to marry and procreate, this latter possibility also causes serious discomfort. Rabban Gamliel therefore decrees that a man may no longer cancel a *get* by means of a *beit din*, lest confusion over the status of *gittin* lead to widespread unintentional adultery or fear of remarriage."

^{xlii} <http://www.jlaw.com/Articles/pruzbul2.html>

^{xliii} Alfred Cohen continues: "The pruzbul is a legal device which, in effect, transfers a private debt to the *beth din*, the Jewish court. [The mitzvah of annulment of loans] Shemitat kesafim cancels only debts between people, not monies owed to court. Therefore, the court is able to collect the debt whenever it desires, even after the Sabbatical Year. Moreover, Jewish courts have the power to transfer assets as they see fit (*hefker beth din hefker*), and they are able to transfer the court's lien -- the loan -- to the original lender and make him the "agent of the court" in collecting it; then the court can transfer these monies to him. In this way,

through use of halakhic technicalities which are perfectly legal, Hillel in effect devised a system for avoiding the consequences of shemitat kesafim, [the mitzvah of annulment of loans.]” (SeeTB Gittin 36a and Mishna Sh’vi’it 10:3)

xliv Maimonides, Laws of Gifts to the Poor 8:10

xlv Shulkhan Arukh *Yoreh Deah* 252:3

xlvi David Golinkin, “The Redemption of Captives”

xlvii David Golinkin, “Redemption of Captives” reports: Since 1971, many rabbis have written responsa or halakhic articles about our current dilemma. Most have ruled that Israel may not exchange hundreds or thousands of terrorists for a few Israeli soldiers. We shall summarize the opinions of Rabbi Shlomo Goren, who was against such exchanges, and of Rabbi Hayyim David Halevi, who justified Israel’s actions in 1985 after the fact.

Rabbi Goren [former chief rabbi of the Israel Defense Forces and later of the State of Israel] says that we must learn the law from the Mishna in Gittin that we do not pay more than their value. It is true that Tosafot in Gittin 58a said that when there is danger to the captive we may indeed pay more than the captive is worth. But Ramban (Spain, 1195-1270) and Rashba (Spain, 1235-1310) disagree. Furthermore, all captivity in ancient times was dangerous (see Bava Batra 8b quoted above), and the Mishna nonetheless ruled that one does not pay more than the captive’s value because this will encourage the kidnapers to kidnap more Jews and endanger the public.

He adds that the safety of one or a few Jews in captivity does not take precedence over the safety of the entire public. In addition, he agrees with the Radbaz, and not R. Yosef Karo, that a person does not have to put himself in possible danger in order to save his fellow Jew from definite danger.

Finally, in our case, freeing hundreds or thousands of terrorists definitely endangers the public because they will all be free to attack Israel and to take more hostages. Therefore, everything Israel did is against the halakhah of the Mishna and the legal authorities and against the security of the Jewish people in Israel and the Diaspora, says Rabbi Goren.

Rabbi Hayyim David Halevi, who was Chief Rabbi of Tel Aviv, admits that Rabbi Goren’s ruling, based on Gittin and on the rulings of leading authorities, is “clear and correct.” Nonetheless, he disagrees with Rabbi Goren. All of the sources quoted deal with robbers who kidnap people for money, but we are dealing with a war based on Palestinian nationalism. They will continue to kidnap Jews regardless of what we do, so the price we pay for captives is not a factor and does not increase terror.

In our case, we need halakhic innovation just as R. Yehoshua innovated that one may pay excessive ransom for a Sage and just as Tosafot innovated that the Mishna doesn’t apply after the Destruction. The Radbaz too innovated a lenient approach as we saw above. The Government of Israel decided that if an Israeli soldier sees that the State will not redeem Israeli soldiers for a high price, he or she will prefer retreat to capture. This too can be considered a halakhic innovation. Therefore, Rabbi Halevi does not think that the State of Israel acted against Jewish law in exchanging 1150 terrorists for 3 Israeli soldiers

xlviii In redemption of captives tikkun olam requires that solutions to individual needs take into account the effect on others in the same situation in the present as well as preventing future kidnappings for ransom being exacerbated. Rabban Shimon ben Gamliel is concerned lest other prisoners may be treated more severely because one prisoner escaped. Rashi (1040-1105) explains the majority view in the Mishna as concerned for the future kidnappings. (Jane Kanarek, “What Does Tikkun Olam Actually Mean?” 18)

xliv If the issue is the burden on the community, then rich relatives may pay more as we see in TB Gittin 45a: “Levi bar Darga redeemed his daughter for 13,000 gold dinars”. In Ketubot 52a-b it says that if a wife is taken captive, the husband may pay up to ten times what she is worth the first time; after that, he may redeem her or not redeem her. Rabban Shimon ben Gamliel, however, reiterates the Mishna in Gittin, and rules that the husband may not pay more than she is worth because of Tikkun Olam.

l In Maimonides Responsa II 733 #452 he apparently approves devoting a special case where a pirate demanded 100 dinar in place of the usual 33 1/3 dinar for ransoming a Jew whose life was in danger cited in Mark R. Cohen, “Maimonides and Charity in the Light of the Geniza Documents,” 69-70)

li J. Jacobs, “The History of Tikkun Olam”

lii For this use of the term tikkun olam, see, for instance, M. Gittin 4: 2-7, 9; 5: 3; 9: 4; M. Eduyot 1: 13; TB Gittin 33a. This is a particularly interesting text because, in this context, the Talmud explicates the term tikkun olam: “What is ‘for the sake of tikkun olam’? R. Johanan says, to prevent bastards, Resh Lakish said, to prevent deserted wives.” See also TB Gittin 34b, 36a, 40b-41b; 45a-b, and more.

liii Avi Sagi, *The Challenge of the Return to Tradition*, Chapter 15: Tikkun Olam: Between Utopian Idea and Socio-Historical Process

liiv David Hartman, *The Living Covenant*, 261.

liv Menachem Lorberbaum, “Tikkun Olam according to Rambam,” *Tarbitz* #64, pp. 65ff

lvi L. Finkelstein, *Jewish Self-Government in the Middle Ages*, 132

lvii Daniel Sperber, *Minhagei Yisrael* II 137 footnote 23. His scholarly opinion is that these interpretations are in error since a Vatican manuscript of the Jerusalem Talmud shows they were engaged in purifying themselves for the ritual separating off terumah and hallah.

lviii Maimonides, Laws of Kings 9:14. Jacob Anatoli calls *dinin - yishuv haolam* in his *Malamad HaTalmidim* (1866), page 72a

lix Noahide laws are concentrated in Tosefta Avodah Zaara 8:4 and TB Sanhedrin 56a-60b

lx REMA, Responsum #10

- ^{lxi} Hugo Grotius, Herman Cohen, and Nahum Rakover, "Jewish law and the Noahide Obligation to Preserve Social Order" in *Cardozo Law Revue* 1073 (1991) analyzed by Suzanne Last Stone, "Sinaitic and Noahide Law: Legal Pluralism in Jewish Law" in *Cardozo Law Revue*, 1176 (1991)
- ^{lxii} Menachem Lorberbaum, "Tikkun Olam according to Rambam," *Tarbitz* #64, p. 76-77
- ^{lxiii} Rabbi David Kimchi (12th C. Provence) defines *takein* as the opposite of deformation (Book of Roots – *Shorashim*).
- ^{lxiv} Laws of the Murder 2:2
- ^{lxv} Nissim of Gerona, *Derashot HaRan*, Homily #11
- ^{lxvi} Menachem Lorberbaum, "Tikkun Olam," 65ff
- ^{lxvii} Mishna Shekalim 1:1-4 and Maimonides, Laws of Kings 3:5
- ^{lxviii} "On Kingship," in *The Political Ideas of St. Thomas Aquinas*, ed. Dino Bigongiari, 178.
- ^{lxix} Stephen Pope, "Poverty and Natural Law," 270; Thomas Aquinas, *Summa Theologiae* I-II, 98,1
- ^{lxx} However "Thomas's ethic lacks a call for significant socio-economic structural reform to address the systemic causes of poverty. Thomas did not present a comprehensive economic theory of the empirical interrelations of productivity, consumption, and investment. Nor did he propose a political-economic system of income transfer via taxation and distribution by government bureaucracy." (Stephen Pope, "Poverty and Natural Law," 271)
- ^{lxxi} Gerald Blidstein, 97
- ^{lxxii} Cited in the Shulkhan Arukh, H.M 231:20-21
- ^{lxxiii} Gertrude Himmelfarb, *The Idea of Poverty*, 23
- ^{lxxiv} Himmelfarb, *Poverty*, 23
- ^{lxxv} R.H.Tawney, *Religion and the Rise of Capitalism*, 222
- ^{lxxvi} Maimonides, Commentary on the Mishna on Sandhedrin 10:1
- ^{lxxvii} Diana Lobel, *The Sufi-Jewish Dialogue*, 127
- ^{lxxviii} Lobel, *The Sufi-Jewish Dialogue*, 127
- ^{lxxix} Deuteronomy 17; Laws of Kings 3
- ^{lxxx} Maimonides, Mishne Torah, Book of Judges, Laws of Kings 3:1
- ^{lxxxi} Maimonides, Laws of Kings 3:8
- ^{lxxxii} A. Sagi, "Tikkun Olam"
- ^{lxxxiii} H. Cohen, *Die Nachstenliebe im Talmud*, JS 1:1:159
- ^{lxxxiv} This paragraph paraphrases a lecture by Micah Goodman on July 13, 2009, for the Hartman Institute Rabbinic seminar.
- ^{lxxxv} Or Rose, *God in All Moments*, 105
- ^{lxxxvi} "Torah is concerned with not wasting Jews' money" (cf. Hullin 49b). Why is this so? This is the way it is: **When a person wears or eats something or even uses a tool or implement, he benefits from the vital force that is in that thing.** Indeed, except for that spiritual force these things could not exist at all. Now, in each of these items are found **divine sparks that are connected to his root-soul**, and when he sees this thing or eats it or wears it, even if it is only for his physical well-being, he can repair these sparks. This comes about because afterward, by virtue of the comfort of the clothing he wears or the strength he gains through the food he has eaten and so on, he will work to serve the Holy One, and in this manner the sparks will be repaired. In this same respect, at some time he may lose this thing. That happens when he has completed repairing those sparks in it that are connected to his root-soul, and the Holy One takes the implement from him to give it to someone else whose root soul is linked to the sparks that remain in the tool.... **Therefore, we have to concern ourselves with our belongings and whatever might be in our possession, because of the sparks that are in those things, in order then to better take care of the holy sparks.**" (Likkutei Yekarim, No. 177 by Rabbi Meshullam Feivush Heller of Zbarazh, died in 1796, translated by Jonathan P. Slater, *Mindful Jewish Living*)
- ^{lxxxvii} According to Moshe Haim Luzzatto, an influential 18th century interpreter and systemic philosopher of Lurianic Kabbalah, the physical world is connected to spiritual realms above, and these spiritual realms in turn influence the physical world. In his view, as developed in his *Derech Hashem*, Jews have the ability, through physical deeds and free will, to direct and control these spiritual forces. These spiritual forces include *tikkun* (rectification, good; the presence of Divine light) and *kilkul* (damage, evil; not merely the absence of goodness and Divine light, but its own force that is strengthened by the absence of goodness and Divine light). God's desire in creation is that God's creations ultimately will recognize God's unity and overcome evil; this will constitute the perfection (*tikkun*) of creation. Jews have the Torah now and are aware of God's unity, but when all of humanity recognizes this fact, the rectification will be complete. (Wikipedia, *Tikkun Olam*)
- ^{lxxxviii} Thanks to Melila Hellner for her aid in finding these Zohar texts and for her constant loving encouragement as a friend and colleague.
- ^{lxxxix} "Everything is fashioned the same way below, so that a human in this world manifests this image: kernel and shell, spirit and body." (Zohar, Vol. I 20a Pritzker edition Vol. I 151)
- ^{xc} J. Jacobs, "The History of Tikkun Olam"
- ^{xc} Gershon Scholem, *Sabbatai Sevi: The Mystical Messiah*, 37
- ^{xcii} Isaiah Horowitz (1560-1630) holds that the *tikkun* will correct the flaws in the Creation and Adam and remove the impurity introduced by the snake in the Garden of Eden (*Shnei Luchot HaBrit* 5:21-22). Moshe Hayim Luzzatto (1707-1747) also says "Israel is God's partner in affecting the *tikkun* of Creation" (cited by Gilbert Rosenthal, 228- 233)

^{xciii} HaAri cited in Haim Vital in *Sefer Gigulim* 2,3,11 cited by Gilbert Rosenthal, 226

^{xciv} L. Fine, "Tikkun Olam"

^{xcv} "Tikkun, therefore, entails two separate but related processes. First, it means the gathering of the divine lights that had fallen into the realm of the *qelipot* as a result of the "breaking of the vessels." Second, it means the gathering of all the holy souls likewise imprisoned in the *qelipot*. Tikkun is to be achieved by human beings through their contemplative action. Every religious act requires contemplative concentration on the various dimensions of divinity and the various combinations of the divine name in order to "raise up the fallen sparks." The focus of concentration is the inner dynamics of reorganization and restructuring that takes place in the course of acts of devotional piety. The kinds of activities by which the kabbalist seeks to accomplish these goals include a) liturgical prayer; b) the performance of all other mitzvot; and c) the practice of certain special exercises, such as those known as *yihudim*.

a. The condition of disarray in which the cosmos finds itself according to Lurianic Kabbalah, is a result of two different catastrophic "falls," one of an intra-divine nature, prior to and independent of human behavior, the other a consequence of human sin.

b. The material world as we know it is deemed repugnant, evil, inhospitable, opposed in every way to that which is immaterial, divine light and the soul.

c. The project of human life is to separate the holy from the material world, and thus divest that world of all existence. All existence will return to its original spiritual condition, a state synonymous with the messianic age. Lurianism is, like the gnostic myths, a complete rejection of the world as we know it, and of the historical process. The vision of redemption is a fundamentally spiritual one in which all things return to *olam ha-tikkun*. Thus, the *tikkun* Lurianic Kabbalah speaks is not that of *this* world, but of "worlds" beyond it.

d. The responsibility for bringing all this about is a human, not a divine one. Divinity is, in effect, a passive beneficiary of the actions of human beings." (Lawrence Fine, "Tikkun," 38-39)

^{xcvi} Lawrence Fine is assuming that modern term of *tikkun olam* flows almost exclusively through the scholarly reports about the mystical tradition of Luria into American Jewish thought. One might examine whether other notions of *tikkun* discussed in this chapter also had any historic influence on the American revival of the term *tikkun*. But my intuitive sense having grown up in America in that era when Buber and Scholem had an enormous impact on non-Orthodox Jews is that he is correct.

^{xcvii} Lawrence Fine, "Tikkun"

^{xcviii} See Emil Fackenheim, "Historicity, Rupture and *Tikkun Olam*" in his *To Mend the World*; Michael Lerner's leftwing magazine, *Tikkun: A Quarterly Jewish Critique of Politics, Culture and Society* – "Tikkun - to mend, repair and transform the world" (1986); Shlomo Bardin in 1950s -1960s in Brandeis Camp; United Synagogue Youth's social action projects renamed Tikkun Olam (1970)

^{xcix} Gershon Scholem, *Sabbatai Sevi: The Mystical Messiah*, 41-42

^c Cited in J. Sacks, *To Heal*, 80

^{ci} J. Sacks, *To Heal*, 82

^{cii} Gerald Blidstein, "Tikkun Olam," 19

^{ciii} *Tradition* 6:2 (1964): 5-29

^{civ} Joseph B. Soloveitchik, *Halakhic Man*, His Creative Capacity, section #1

^{cv} Joseph B. Soloveitchik, *Halakhic Man*, His Creative Capacity, section #1

^{cvi} J. Sacks, *To Heal*, 5

^{cvii} Rabbi Joseph B. Soloveitchik, *Festival of Freedom*, 152-153

^{cviii} Leonard Fein, *Where Are We? The Inner Life of America's Jews*, 198

^{cix} Fein, *Where Are We?*, 199

^{cx} Rachel Sabath Beit-Halachmi, "Tikkun Olam as a Foundation for Religious Community," unpublished

^{cxii} Eugene B. Borowitz, "The Second Phase of Reform Jewish Piety" (2005 URJ Biennial Eisendrath Award)

^{cxiii} E. Borowitz, *Renewing the Covenant: A Theology for the Postmodern Jew* (1991), 50-51

^{cxiiii} E. Borowitz, "A Jewish Theology of Social Action," CCAR Journal, 2007

^{cxv} E. Borowitz, "A Jewish Theology of Social Action"

^{cxvi} Michael Ben-Admon, *Mered v'Yetzirah BaKibbutz HaDati: Rebellion and Creativity*, Chapter 5 (2011, forthcoming)

^{cxvii} Ben-Admon, *Rebellion and Creativity*, Chapter 5 (2011, forthcoming)

^{cxviii} Moshe Unna, "A Religious Society – What is it?" in *B'sde HaHimuch HaDati*, 21

^{cxix} Unna, "The State as the Supreme Test of our Jewish Essence" in *Yisrael BaUmot*, 13

^{cxx} Unna, "HaHinuch b'Hayei HaKevutza" in *B'shvilei HaMahshava vHaMaaseh*, 175.

^{cxxi} Martin Buber, *The Prophetic Faith*, 104

^{cxxii} Martin Buber, "Moses Hess and the Idea of Socialism," in *Moshe Hess: His General Writings* (Hebrew), 9, 14

^{cxxiii} Ehud Luz, *Wrestling with an Angel: Power, Morality and Jewish Identity*, 68-69

^{cxxiv} Buber, *The Prophetic Faith*, 104

^{cxxv} Buber, *On the Bible*, 186

^{cxxvi} Buber, *Tikva l'sha'ah zu* in *Darki el HaHasidut*, 112

^{cxxvii} Irving Greenberg, *The Jewish Way: Living the Holidays*, 121

^{cxxviii} Michael Walzer, Afterword, in W. Galston, *Poverty and Morality*, 293

cxxviii A. Sagi, "Tikkun Olam"

^{cxxix} According to Paul Ricoeur.

^{cxx} Paul Ricoeur, *Ideology and Utopia*, 3

^{cxxxi} Paul Ricoeur, *From Text to Action*, 319-320

^{cxxxi} Avi Sagi adds: "This critique will be enriched by the adoption of Kierkegaard's distinction between imagination and fantasy. ^{cxxxi} **Imagination** is a reflective process that enables us to transcend factuality to **the potential option latent within it**.

Although imagination is not entirely free from the given factuality, it does enable us not to see its concrete manifestation as the sole option. **Fantasy**, however, unlike imagination, is a process through which concrete existence detaches itself entirely from its real character." (Søren Kierkegaard, *The Sickness unto Death*, 30-31)

^{cxxxi} Condorcet, *Sketch*, 173-174, 1793, cited in G. S. Jones, *An End to Poverty?* 18

^{cxxxi} Condorcet, *Sketch*, 173-174, 1793, cited in G. S. Jones, *An End to Poverty?* 18

^{cxxxi} Laws of Kings 12:1-2, 5

^{cxxxi} Irving Greenberg, *The Jewish Way*, 121

^{cxxxi} Irving Greenberg, *The Jewish Way*, 161

^{cxxxi} Josephus, *Jewish Antiquities* 14.9.1

^{cxxxi} Avraham Grossman, "Minhag Ikuv Tefillah" in *Mileit*, edited by S. Ettinger, Y. Gilat and S. Safrai (1983), 199ff; Menachem Ben-Sasson, "HaTzeaka el HaTzibur b'Beit HaKnesset b'Artzot HaIslam b'Reishit Ymei haBeinaim" in *Knesset Ezra* (Festschrift for Ezra Fleischer) edited by M.D. Herr et al (1994), 327ff

^{cxli} TJ Peah1:5, 15d

^{cxli} S.D. Goitein, *Society*, 217, TS 18 J 3.2

^{cxlii} TJ Peah1:5, 15d

^{cxliii} Sefer Hasidim #1512 in Berlin edition

^{cxliiv} Or Zarua Shabbat #45 in II 21a

^{cxliiv} Sefer Hasidim #462, edition of Wistinsky

^{cxliiv} Louis Finkelstein, *Jewish Self-Government*, 208

^{cxliiv} Sefer Hasidim ##1344 reports that even repeated *ikuv tefillah* was not successful in forcing a powerful court Jew to stop intervening in court cases to prefer his clients and relatives over the plaintiffs.

^{cxliiii} S.D. Goitein, *Society*, 96-97

