

Rising in the Night

Compassion & Justice in a Time of Despair



created by

Uri L'Tzedek
Orthodox Social Justice

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Introduction from Uri L'Tzedek

When there are so many we shall have to mourn,
When grief has been made so public, and exposed
to the critique of a whole epoch
the frailty of conscience and anguish,

of whom shall we speak? For every day they die
among us, those who were doing us some good,
who knew it was never enough but
hoped to improve a little by living.

W.H. AUDEN

In his masterful elegy of Sigmund Freud, Auden names the animating issue of the 20th century. When millions are gassed, strangled, raped, shot, bombed, vaporized, knifed solely on account of being Jewish, or Armenian, or Japanese, or Cambodian, or Congolese, or Tutsi, or Hutu, or German, or Roma, not because of their irreducible particularities, one must ask, “of whom shall we speak?”

One need only look to our own Bible for an attempt to provide a change of perspective. After spending four chapters attempting to answer the question above, a noticeable shift appears in the conclusion to *Megillat Eichah*.

Yet you, God, rule forever; Your throne is eternal. Why do you never think of us? Why abandon us for so long? Bring us back to You, God, and we will return. Make our days as they were before. (5:19-22).

The mood has lightened, and hope is restored. The author dreams of better days, days when each person will find peace, days in which we, “administer true justice and show mercy and compassion for each other” (Zechariah 7:9) After verses upon verses, chapters upon chapters of haranguing itself over guilt and the past, the end of the *megillah* dares to imagine a future struck through by hope.

These are the themes of ambivalence that run through the liturgy and rites of the 9th of *Av*: evil and goodness; rupture and repair; mourning and restoration; loss and salvation. We have attempted to capture these themes in our new publication, *Rising in the Night: Compassion and Justice in a Time of Despair*. *Rising in the Night* is a project of Uri L'Tzedek, an Orthodox social justice organization guided by Torah values and dedicated to combating suffering and oppression. Through its community-based education, leadership development, as well as direct action, Uri L'Tzedek creates discourse, inspires leaders, and empowers the Jewish community toward creating a more just and righteous world.

In the last five years, Uri L'Tzedek has directly reached over 20,000 individuals in four hundred sponsored or co-sponsored programs nationwide, at over thirty universities, impacting an estimated third of all American Orthodox university students. Through their involvement with Uri L'Tzedek, participants have studied what Maimonides thought of micro-finance, lent over ten thousand dollars in micro-loans, advocated for the Tav HaYosher, and lobbied for progressive legislation. We have invested significant resources in over one hundred and fifty emerging leaders who serve as Uri L'Tzedek fellows, interns, committee heads, and Tav HaYosher compliance officers. The passion and grassroots activism displayed by our community has effected true social change across North America.

Rising in the Night is Uri L'Tzedek's fourth publication which aims to integrate social justice themes into the rhythm of the Jewish year. Like our previous publications the *Food and Justice Haggadah Supplement*, *Mah Ani? Self-Reflection and Social Action for the High Holidays* and *Ve-Nahafoch Hu: Making Your Way Through an Upside-Down World*, *Rising in the Night* incorporates “Action Steps,” each of which suggest specific actions that the reader can incorporate, facilitating the move from learning to doing. As Rabbi Hasdai Crescas pointed out over six hundred years ago, it is the *mitzvot* which are the ends of study and reflection.

We would like to thank the major Jewish foundations as well as hundreds of individuals that support Uri L'Tzedek's critical work. A listing of the organizations that support us appears toward the end of the booklet.

Joshua Schwartz served as editor-in-chief for *Rising in the Night: Compassion and Justice in a Time of Despair*. We would like to thank him for his hard work, verbal acuity, and deep Jewish learning. Hillary Levison, Uri L'Tzedek's skilled Director of Operations, returned as the managing editor of this publication. Her dedication to all aspects of its editing and production of this project are very much appreciated. Aliza Weiss created the innovative layout and aesthetic tone for *Rising in the Night: Compassion and Justice in a Time of Despair*. Its design was inspired by tones of earth and ash, underscoring the mourning, loss, and isolation commemorated on this day. We would also like to thank the Uri L'Tzedek Board of Directors. As we continue to grow, they have been a deep reservoir of guidance and advice.

We would especially like to thank those who contributed to *Rising in the Night: Compassion and Justice in a Time of Despair*. They donated their ethical insights, religious imagination, and time to this project. Many of them are core leaders in the Orthodox social justice community, and we appreciate their commitment to making Uri L'Tzedek's vision a reality.

If you would like to further explore a thought or an idea encountered in *Rising in the Night: Compassion and Justice in a Time of Despair*, or if you would like to join Uri L'Tzedek in its work, please do not hesitate to contact us! Find us on the web at <http://www.utzedek.org> or e-mail us at info@utzedek.org.

We pray that the prophecy of Zechariah may be fulfilled this year, that, “the fasts of the fourth, fifth, seventh and tenth months will become joyful and glad occasions and happy festivals for Judah. Therefore love truth and peace.” (Zechariah 8:19)

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In the Beginning There Was Not

EDITOR'S PREFACE

Psalm No one moulds us again out of earth and clay,
no one conjures our dust.
No one.
Praised be your name, no one.
For your sake
we shall flower.
Towards
you.

A nothing
we were, are, shall
remain, flowering:
the nothing-, the no one's rose.

our corolla red
with the crimson word which we sang
over, O over
the thorn.

~ PAUL CELAN¹

With
our pistil soul-bright,
with our stamen heaven-ravaged,

All beginnings lack. One could say that the beginning of the story is in the paradise we lost, in the utopia we yearn for, "as in days of old." (Lam. 5:21) But the story does not begin in that paradisiacal stasis. The story can only begin in the occasion of a break; it only begins with change.

Tisha B'Av is our beginning (and all beginnings are the beginning of the end).

Even G?d's beginning commences with negation. G?d's first act is not one of creation but of self-limitation, with *tzimtzum*. Isaac Luria's greatest student, Hayyim Vital, writes in his *Etz Hayyim*,

When it arose in the singular will of G?d to create the cosmos... *then*, G?d negated G?d's infinite self in the central point within, in the focus of the holy light, contracting this light, which receded to the sides surrounding the central point. There remained an opened space, an empty void... (*Derush Adam Kadmon* §2)

The point of origin is one of emptiness. The beginning of G?d's creative activity is removal, withdrawal. G?d's self-removal is the condition for the very possibility of there being anything at all. For there to be anything else, G?d's infinite being must recede, must make space. If G?d, in transcendent perfection, were to persist in utter wholeness, then there could be no us, there could be no relationship, there could be no dialogue, there could be no-thing at all. Vital describes G?d's motivation as stemming from the intense desire to bring benevolence to those who would come into being. The only means to bring presence is through absence.

All later iterations of destruction (*churban*), of rupture (*shevirah*), are repetitions of the initial absence. When we confront emptiness, our experience is not that nothing is there, rather that something is there no longer. Fullness is conditioned on that emptiness. To fill something up we first must empty it out. *Tisha B'Av* presents us with two themes, curling around each other, fitting perfectly together. The practices of the day model rituals of mourning, calling back in our collective memory for the loss we carry with us each day. "When *Av* arrives, we decrease our joy." (BT Ta'anit 26b) We match our living to the consciousness we inherit. But it is precisely on *Tisha B'Av*, the day commemorating our lowest point, that redemption, repair, *tikkun* become most present. We cannot mend what has not been broken. We must delve into our brokenness to come to a place of healing. The story begins in destruction, in negation, but culminates in re-creation.

On *Tisha B'Av* (after *Tisha B'Av*, we are always after *Tisha B'Av*) we are left with ruins, the emptiness remains. We are left with what was, with the past as such. But what is a ruin? Anselm Kiefer, a contemporary German artist, whose work confronts his nation's own ruinous history, is entranced by what has been destroyed.

What interests me is the transformation, not the monument. I don't construct ruins, but I feel ruins are moments when things show themselves. A ruin is not a catastrophe. It is the moment when things can start again.

We cannot allow our confrontations with destruction, with catastrophe, with emptiness where there once was, paralyze us. The gap that is opened in rupture must also be an opening to possibility. The *Maggid of Meziritch*, in his *Maggid Devarav Le-Ya'akov*, wrote that for anything to grow, it must always pass through *ayin* (nothingness). To be destroyed is to confront one's very dissolution, but it is also to be open to what one can become. G?d, precisely due to being infinite (*Eyn Sof*, without limits), is No-thing (*Ayin*) at all, radical possibility.

This is the challenge with which we at Uri L'Tzedek present you, today. Delve deep into *Tisha B'Av*. This fast day is notorious for its occurrence during the most uncomfortable time of year. The three weeks cut into our summer fun, the heat of the day beats down on us, intensifying our enervation. But we must make sure that these experiences of suffering bring us understanding in what it means to be in pain, what it means to be lacking, what it means to be in need.

This volume presents the reader with a selection of essays, textual commentaries, and calls to action, sharing a common goal to prompt a new way of thinking about this most tragic of times and what we can draw from it. All true justice work entails transformation, both without, redeeming what has fallen, and also within. To change the world, we must change ourselves. We must not just acknowledge but be reshaped by the suffering we witness.

For this reason, departing from previous volumes, we have also decided to include works of poetry. Poems replete with anguish and longing are central to the liturgy of *Tisha B'Av*. We recite scores of *kinnot* (lamentations), which describe for the reader the stark reality of our people's suffering. It brings the reader in tune with an experience otherwise lost. While the poems here presented are not explicitly geared toward causes of justice, we hope that they will impart truths of experience, helping to bring us all to a place of real compassion, which is the true starting point of all justice work. The Hebrew word for compassion (*rachamim*) is drawn from the word for womb (*rechem*), an empty space within that is not a loss, but, as in the case of the Divine, the condition for the possibility of newness, of generation. We at Uri L'Tzedek hope that, on this *Tisha B'Av*, you do experience loss and lowness, absence and even pain, but that these moments of ache bring you to vulnerability, to compassion, and from there to a world of redemption.

Joshua Schwartz

Editor-in-Chief, *Rising in the Night*

1 Taken from <http://www.translatum.gr/forum/index.php?topic=20372.0#ixzz21CNy7icJ>, trans. Michael Hamburger.

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Cries in the Night: Human Trafficking and *Tisha B'Av*

by RABBI ARI HART

Alas!
Lonely sits the city
Once great with people!
She that was great among nations
Is become like a widow;
The princess among states
has become a slave.

Thus begins our reading of *Eichah*. The tragedy of Jewish slavery after the destruction of the Temple is well known. Roman centurions captured and enslaved thousands upon thousands of Jews. The Roman historian Dio Cassius wrote that the glut of persons flooding the slave market caused the prices to plummet.

personal meaning. How could such a terrible thing truly be part of the world in which I live?

Perhaps that explains why, in the middle of *kinnot*, we read a story of two slaves. *Kinnah* 23 retells the story found in *Masechet Gittin* 58a of the two children of Rabbi Yishmael, the *Kohen Gadol*. Following the conquest, his son and daughter were taken as slaves by different Roman masters. Because of their beauty, their respective masters decided to force them to breed, to produce children who could be sold for even more money. They were each thrown into the same dark, dank cell, neither knowing that they were paired with their sibling. All night, they cried and wailed all night be-

Several years ago, Gabriella lived in Colombia with her family and worked at a grocery store. As the eldest child, she had to provide for her mother and sisters after her father committed suicide. A childhood friend of Gabriella's moved to the United States some years before, and he offered to help her move to America every time he visited Columbia. He promised he would help her to find work in a restaurant so she could better support her family. After a year, she agreed.

The next thing she knew, Gabriella was taken to the U.S. and forced into prostitution. Not only was she held in debt bondage for \$10,000, but she was told that if she tried to escape, her family would be harmed. For five long years, Gabriella lived as the property

“Only through our commitment to the lives of real people can we fully commit ourselves to true redemption.”

The Torah's nightmare had become manifest, “And there you shall be sold to your enemies as slaves and maidservants, but there shall be no buyers.” (Deuteronomy 28:68)

A nightmare that, thank God, has passed.

Or has it? Perhaps for you and me, but today, this nightmare persists for millions of human beings around the world. There are an estimated thirty million slaves in the world, perhaps more than at any other point in history.

Thirty million. What does that number mean to you? To me, to be honest, it means almost nothing at all. In my mind, I cannot conceive of it. Like many of the tragedies we mark today, its massiveness makes it almost unreal, lacking relatable,

fore their “wedding.” As the dawn broke, they recognized each other, embraced, and died.

This *kinna* concretizes and humanizes the pain and suffering of thousands of real-world slaves. The suffering of millions is impossible to understand and hold purely in conceptual form. We can, however, realize the suffering of two, related in the haunting resonances of a story, which will not allow us to forget.

Similar to the tale told in our own Talmud, here is a story of one of the thirty million human beings in the world who have been trafficked as slaves, as told by the Polaris Project (www.polarisproject.org), an international NGO that focuses on the fight against contemporary slave-trafficking:

of her traffickers. She was moved to a different brothel almost every week, never knew where she was, and wasn't able to seek outside help.

Unfortunately, Gabriella's story is not unique. Polaris Project regularly assists victims of human trafficking who are left without homes, employment, family, or friends. Fortunately for Gabriella, Immigration Customs Enforcement (ICE) caught her trafficker. Gabriella was rescued through a raid that ICE did on the brothel where she was held. ICE referred her to Polaris Project for services.

Gabriella met with one of our case managers at least once a week for much needed emotional support and comprehensive care. Polaris Project assisted Gabriella in finding an apartment for her and her 2-year-

old daughter, helped her enroll in ESL classes, and provided her with employment assistance.¹

Kinnah 32 reminds us that when we think about darkness and suffering in the world, it is necessary for us, as humans, to focus on the stories of individual persons as well as the objective stakes of large scale atrocity. We cannot allow the sheer immensity of injustice to become mere facts and figures, a concept used in discourse alone. Only through our commitment to the lives of real people can we fully commit ourselves to true redemption. We cannot allow suffering to remain anonymous. Our Torah teaches us that our thinking of pain and injustice must be considered in radically personal terms. When the

Kadosh Baruch Hu commands us to be mindful of the pain of marginalized, the Torah says, “Remember that *you* were a slave in Egypt and that the Lord your God redeemed you from there” (Deuteronomy 24:18).

As we confront the stark reality of human trafficking, and as we recommit ourselves to fighting it, we must take time to think of the individual lives this evil affects each and every day. Untold numbers of vulnerable individuals, like Gabriella, are preyed upon and then bought and sold into a life stripped of the most basic forms of human dignity. From our largely comfortable positions in our home communities, it is frankly almost impossible to truly see human trafficking as part of our

worlds. But it is; its presence has not been removed only disguised. This is why we must focus on the stories of those affected, to break down our assumptions of the composition of our world, and we must sincerely change our minds. And only then can we really begin to do something about it. ■

¹ Taken from <http://www.polarisproject.org/what-we-do/client-services/survivor-stories/350-gabriella-residential-brothel-sex-trafficking>.



A Friendly Greeting

The *Shulchan Aruch* (*Orach Chayim* 554:20) states that one of the prohibitions on *Tisha B'Av* is giving a friend a “*she'elat shalom*” (friendly greeting). The *Mishnah Berurah* comments that, “the same rule applies to wishing someone a good morning, and the same rule applies to sending a gift to a friend...” The deliberate abstention from these actions on *Tisha B'Av* highlights our frequent negligence in these responsibilities on every other day. How often do we walk past a homeless person on the street and avoid eye contact, not pausing for a moment to smile and say good morning, much less place a coin or two in his or her cup? It is one of the hardest things to do to break the boundary between ourselves and the “other.” But perhaps stopping for a moment to say hello, or making it a point to “send a gift” to a friend in need will begin to close that gap and create a more united community, which is the best we can do in working towards redemption.

NEXT STEPS:

-Next time you walk past a homeless person on the street, make a pointed effort to stop and smile, or say hi. Doing this one time will break the boundary and make it easier every other time.

-Stop for a moment to wave at the train or bus conductor on your next commute. There is no telling how appreciative he or she will be.

-Send a gift to a friend in need. Flowers and chocolates for the sick, for example, are definitely cliché, but are often appreciated and warmly received.

by EMILY PISEM

Hardy, Auden, and the Social Justice Imperative

by DR. GILLIAN STEINBERG

Poetry distills human emotions and experiences into compact packages, a technique that has long been valued for telling stories, eliciting emotion, teaching lessons, and shaping memory. Poetry is often a part of Jewish ritual and liturgy, with segments of Torah, *haftarah* and *megillot* written in verse form. But *Tisha B'Av*, above all other Jewish observances, has a unique connection to the genre, both in its regularized inclusion of poetry and in its willingness to expand the canon of poetry in light of recent history. Because the *kinnot* reflect realities of Jews' lives across the ages, modern standard editions of *kinnot* include poems not only about medieval crises but also about more modern disasters, primarily the Holocaust.

Scholars speak of *Tisha B'Av* as a holiday of dualism; as the Rav (Joseph B. Soloveitchik, ob"m) explains, *Tisha B'Av* is both *Yom Ta'anit* and *Yom Aveilut*; it is the day of our greatest tragedies and the day on which *moshiach* will be born; it is a day of darkness that may lead us to light. It is a time to focus on ourselves – the tragedies of the Jews, our people – and to feel for others. It is a day on which to look backwards through history, to look with new eyes at the present, and to look forward to an improved existence for all. We can see the tension created by these dualities in the *kinnot* themselves, which are hardly monolithic in their reactions to horror. While each *kinnah* offers a singular perspective on shared experiences, two authors of *kinnot* – El'azar HaKalir and Yehuda HaLevi – provide readers with notably distinct ways to consider the lachrymose aspects of Jewish history. As we participate in the *Tisha B'Av* service, we can observe how multiple approaches to Jewish tragedy

inform and enrich our experiences of that history. Reading the *kinnot* may cause Jews to turn inward and reflect on tragedies particular to the Jewish past, but they may also remind us that people across cultures and ages suffer, and that the turn to poetry is a human, rather than a particularly Jewish, reaction to devastation.

HaKalir laments the destruction of the Second Temple in his *kinnot*, emphasizing the ways in which God has not fulfilled his promises to Israel: "He swallowed up my judges... and turned their rain to dust... instead of 'I will give you your rains in their proper season.'" ¹ That is, instead of fulfilling the promise made in Leviticus 26:4 to maintain order and beauty in the world, God destroyed the world in his wrath. This *kinnah*, "*Eichah Tif'arti*," follows a similar pattern throughout, accusingly reminding God of His promises to Israel and of His actions that decidedly contradict those promises. HaKalir also notes the ways in which humans have failed God, but his ultimate disappointment seems to be directed at a God who has neglected His people, a theme he repeats in a number of *kinnot*, "I shall scream to You, Who dwells in the Heavens, over the violence and destruction."²

HaLevi, on the other hand, in his famous "*Tzion Halo Tishali*," uses horror as a point of departure to look forward with hope and belief in a positive future: "Weeping because of your suffering, I am like a sea serpent, but when I dream of your return from captivity, I am a harp for your songs."³ Each time HaLevi's speaker notes the bitterness of the present, he returns to his yearning for a better place and his belief that "Your power is eternal; Your leaders for all generations."

As we see by juxtaposing the works of HaKalir and HaLevi, poets may approach injustice, violence, hatred, and crisis with anger, lamentation, confusion, and a sense that the world lacks divine order and reason; or they may confront similar situations with optimism, hope, and a sense that the world's divine order remains intact and must simply be relocated by its human inhabitants. Both approaches are inherently human, and by including both in our *kinnot* readings, we recognize that we can legitimately react in both ways to our communal tragedies, and, by extension, to our individual crises as well.

Because these two poetic tendencies are not exclusive to authors of *kinnot*, we might also look to contemporary poets to see the ways in which people across cultures and ages react to injustice. Two obvious examples are Thomas Hardy and W. H. Auden. Living at roughly the same time and with relatively similar backgrounds, as artists they differed profoundly.

For Hardy, life was an unending tragedy despite the fact that his own life was, to the outside observer, not particularly problematic. His poetry rails against God, the passage of time, and humans' powerlessness in the world. He wavers between a view of God as indifferent and God as actively vindictive, writing, among many other criticisms, that God "had as readily strown/ Blisses about my pilgrimage as pain." In other words, God might have been kind had He wished to but, He preferred instead to make humans suffer. Hardy's sense of the world as haphazard and disordered, of the horrors of the past as constantly returning, and of human life as painfully transitory and ultimately futile suggests that human behavior can-

not alter what is, essentially, the corrupt fiefdom of an irresponsible God.

Auden, on the other hand, notes the misery of the world and the horrors of the Second World War, and includes in his observations a sense of hope in humanity and wish for

her anti-fascist activities, an act that allowed her to gain a British passport and possibly saved her life. This marriage was a “sham” in that the two participants did not love each other – did not even know each other, in fact – and in that both were homosexual. And yet Auden took

live. We might also think about how secular poets, writing about issues not necessarily particular to Jews but nonetheless deeply relevant to Jews, might shape our understandings of history and of our abilities to alter its course. Will we choose to focus on the ways in which God has

“Reading the *kinnot* may cause Jews to turn inward and reflect on tragedies particular to the Jewish past, but they may also remind us that people across cultures and ages suffer, and that the turn to poetry is a human, rather than a particularly Jewish, reaction to devastation.”

his own contributions to the world’s improvement. Despite having suffered indignities because of his homosexuality and feeling acutely the oppression of the rising Nazi regime, Auden used his poetry to emphasize the existence of justice amidst the chaos and to look forward to a promising future. He also saw himself as having the potential to effect change:

Defenceless under the night
Our world in stupor lies;
Yet, dotted everywhere,
Ironic points of light
Flash out wherever the Just
Exchange their messages:
May I, composed like them
Of Eros and of dust,
Beleaguered by the same
Negation and despair,
Show an affirming flame.

Auden also acted outside of verse to improve the world: most notably, he married Erika Mann, who risked persecution by the Nazis because of

his responsibility seriously, going so far as to encourage, sometimes successfully, friends to marry other women who risked Nazi wrath and allow them to leave Germany for safer locations.

At the same time, Auden was profoundly, painfully lonely because the world did not accept his sexual orientation, and he could not imagine that such acceptance would ever exist. As he wrote to Elizabeth Mayer, “There are days when the knowledge that there will never be a place which I can call home, that there will never be a person with whom I shall be one flesh, seems more than I can bear, and if it wasn’t for you, and a few—how few—like you, I don’t think I could.”⁴ As he vocally defended Jews, in person and in writing, he continued to face rejection at best and active persecution at worst for his homosexuality.

During our reading of the *kinnot* this year, we might consider HaKalir and HaLevi’s approaches to human tragedy and how a successive reading of their views allows us to see a continuum of ways we might

abandoned us, in which we have suffered, and in the many episodes of our victimization? Will we put our emphasis instead on an imagined better place, a world in which we will “exult in your joy when you return to the youthfulness of early times”?⁵ Might we combine those two approaches to life and tragedy, juxtaposing remembrance with hope, anger with understanding, and misery with promise?

Like the speakers of Hardy and HaKalir’s verse, we must face the darkneses in the world, reflecting on the past’s powerful influence on the present; like Auden and HaLevi’s speakers, we must face the light in the world, believing not only in God’s redemptive power but in our ability to contribute to the repair of the world. And perhaps by studying these poets, medieval and modern, Jewish and Christian, we can see that our experiences need not necessarily dictate our attitudes. Like Auden, we can fight for the weakest around us, even if they differ from us in profound ways. And like Auden, we can rise above our per-

sonal sufferings to contribute our strengths and visions to the world.

As we feel gratitude towards those people who can rise above their personal circumstances to strive for universal justice and who see tragedy as an impetus to fight inequity, we can also recognize that oppression continues all around us, not only in far off places, not only in distant memory, and not only to Jews.

The compulsion to pursue social justice includes elements of the anger and frustration illustrated by HaKalir and Hardy as well as ele-

ments of the idealistic vision embodied by HaLevi and Auden. For Auden, who saw saving Jews as part of his Christian mission, a more beautiful future potentially existed despite his personal suffering; we can also recognize that Auden, who believed so deeply in the redemptive power of a committed and loving relationship, would continue in the modern world to be persecuted even as Jews have found places to sit and mourn our history in peace and safety. This year, in our remembrance of our suffering and of the unfortunate truth that Auden might continue to feel less than fully ac-

cepted in our world, perhaps what we take away from the *kinnot* can echo Auden's wish for his own relations with others, "Let the more loving one be me."⁶ ■

1 *The Complete Tisha B'Av Service*. Artscroll. Pg. 172.

2 Pg. 260.

3 Pg. 334.

4 *Collected Letters*.

5 HaLevi. Pg. 338.

6 W. H. Auden, "The More Loving One," <http://www.poets.org/viewmedia.php/prm-MID/15550>.

Selections from
“grief and loss”

There is no argument
that can be won
that is worthy of being made,
just as there is no
light that is not from itself
beautiful
and no word that is perfect
enough for a context.



There is no divinity
as dead as language
is alive
with grief.

The Beautiful One
is not
mine.
You has become She;
I has become He.
A banal gap has become
an apocalypse.
A table with uneven legs tilts
unless it is cut
to an uneven floor.
So, I await you
like an astrologer
without stars to decipher.



You who are already a handful of dust
were once as bright within me
as I could have been myself.

by ZOHAR ATKINS

Contending with Suffering in Our Midst: Theological Perspectives in the Book of *Eichah*

by RUTH BALINSKY FRIEDMAN

On *Tisha B'Av*, the Jewish community collectively mourns the past destructions meted out to our people. We gather in synagogue to reflect on the destruction of both Temples, the crusades, and the mass tragedies of the Holocaust. While we practice mourning in accordance with *halachah*, most of us are removed from the actual experiences suffered by our ancestors. We can tell from the voice of *Megillat Eichah*, however, that it was written by an author who personally experienced the calamity. Therefore, in offering his own account of this unprecedented tragedy, the author of *Eichah* allows us to witness his tortuous emotional and theological journeys in making sense of this terrible tragedy that befell God's people. On *Tisha B'Av*, we pause and ask: What does it mean for a community to experience and mourn a massive tragedy, and how do the bereaved reflect on God's role in their suffering?

Eichah opens with a cry of sorrow ("Alas - lonely sits the city!") The author looks with disbelief at his city and community; how could such a great nation descend to such a degenerate state? The entire first chapter continues this line of inquiry; the author contrasts for the reader how a festive and powerful Jerusalem has now become a mockery, desolate and abandoned. These twenty-two verses, which bemoan Zion's saddened condition are punctuated by seven references to her transgressions, acknowledging that this immense suffering was a direct result of the Jews' sins against God.

The most profound example appears in the middle of the chapter. "Jerusalem has greatly sinned, therefore she is become a mockery. All who admired her despise her, for they have seen her disgraced;

And she can only sigh and shrink back. Her uncleanness clings to her skirts. She gave no thought to her future..." (Lamentations 1:8-9) After the opening verses harshly describe the ruined and isolated state of Zion, verse 8 reminds the reader that this condition was brought upon Zion by her own actions. The author is plagued by the misery and death that has befallen a great city, but he cannot shake the belief that this destruction is a direct result of the people's actions, and it is one for which they must take ultimate responsibility.

This narrative of self-blame persists as a predominant theme throughout rabbinic perspectives on the destruction. As Rabbi Yitzchak Etshalom describes,

When reading about a person, group or nation suffering in *T'nakh*, we expect the sufferer to recognize his/their own culpability and the causal relationship between wrongdoing and affliction. This perspective is the one adopted throughout Rabbinic literature (e.g. "because of Kamtza and Bar Kamtza was Yerushalayim destroyed" [BT Gittin 55b], "Yerushalayim was destroyed because the people insisted on their rights in court" [BT Bava Metzia 30b] or "on account of the neglect of *challah* there is no blessing in what is stored, a curse is sent upon prices and seed is sown and others consume it" [BT Shabbat 32b]) and our liturgy (e.g. מפני חטאינו גלינו מארצינו - on account of our sins were we exiled from our Land. [Holiday *Mussaf*]).¹

Over the decades and centuries following the *churban*, the rabbis had to contend with the humanitarian impact of the destructions of the first and second Temples, and the theological challenges that are raised by massive communal tragedies. Their answer to these enor-

mous questions is similar to the approach of the first chapter of *Eichah* - Zion has sunk from glory to despair, and while we mourn this destruction, it is ultimately on account of the people's sins against each other and against God. This narrative serves two main purposes. First, it teaches us that tragedy will afflict only those who sin. If one abstains from transgressing, one will live a happy and secure life, untainted by misfortune. In other words, fate is a direct result of one's own actions. Second, while this perspective is a hard one to accept, it does not present us with a ruthless, oppressive God who inflicts unnecessary pain on the chosen people. God is still depicted as just, who punishes us only when it is deserved.

This narrative is a critical component of our religious philosophy, and it should be quite familiar for the reader. However, it is basically absent beyond the first chapter of the *megillah*. The second chapter, by contrast, does not blame the people at all. In addition to omitting Zion's sins, the first section of the second chapter focuses on describing God's viciousness during the destruction of Zion. Verse 4 reads, "He bent His bow like an enemy, poised His right hand like a foe; He slew all who delighted the eye. He poured out His wrath like fire in the Tent of Fair Zion." (Lamentations 2:4) Here, God is portrayed not as a just exacter of punishment but as an enemy force to God's people, deriving pleasure from aimless killing. While this is not a narrative that we turn to define God's role in the world, we cannot turn our eye from this key component of the emotional processing of the author of *Eichah*. While, initially, the author faults Zion for the calamity that befell her, the *megillah* quickly shifts towards focusing

on the misery and suffering of Zion, and, at points, directly attributing this to a merciless God. (Lam. 3:43) The theme of divine mercilessness continues throughout chapters 3 and 4, weaving together different images of suffering and addressing the destruction from different perspectives.

Yet, in chapter 5 the author shifts his focus from seeking to attribute blame for Israel's lot to an appeal to God to please take Zion back, to "renew our days of old." The chapter does not appear to be as concerned with who is to blame over the destruction; rather, it is a simple plea to God to recognize that Zion is

justice between two people; if you do not oppress the stranger, the orphan, and the widow; if you do not shed the blood of the innocent in this place; if you do not follow other gods, to your own hurt -- then only will I let you dwell in this place, in the land that I gave to your ancestors for all time." (Jeremiah 7:5-7) If the people of Zion do not cease to oppress the stranger, orphan, and widow, says Jeremiah, if they do not cease to take advantage of the helpless, then they will not be able to live in their land.

As we know, Zion did not heed Jeremiah's warning. They fell at the hands of their enemies and were

as seen in chapter 2, faults God for being cruel and flippant with human life, and does not seem to be concerned with human blame. The third, in chapter 5, serves as a direct challenge to God - if the Jews are commanded to care for those in dire need, then when the Jewish people find themselves in a destitute state, God is compelled to save them, independent of what caused their state in the first place.

These perspectives speak strongly to the ways in which many people approach the challenge of social justice work. Unfortunately, many of us adhere to the first perspective of theodicy, and believe that

“If God has commanded us numerous times to care for the vulnerable,
then God should also reflect that kind of behavior.”

suffering and needs God to save her. The most poignant appeal to God occurs at the beginning of chapter 5 – “Remember, O Lord, what has befallen us; behold, and see our disgrace! Our heritage has passed to aliens, our homes to strangers. We have become orphans, fatherless; our mothers are like widows.” (Lam. 5:1-3)

Here, the author taps into a major theme of the *Tanakh*. He employs the images of the *ger*, *yetom*, and *almanah* - the stranger, the orphan, and the widow - to describe Zion's bereaved condition. It is for these three individuals that the Torah repeatedly implores us to care. Furthermore, it is to this pathos-inflected trifecta that Jeremiah, purported to be the author of *Eichah*, refers in his prophetic warning to Israel prior to the destruction of the Temple. “No, if you really mend your ways and your actions; if you execute

exiled from Jerusalem. However, we must also note that Zion, in *Eichah*, uses the language of the stranger, orphan, and widow strategically. By employing this language, Zion acknowledges her own failings, but also flips the imagery back onto God. If God has commanded us numerous times to care for the vulnerable, then God should also reflect that kind of behavior. Zion was commanded to care for the stranger, orphan, and widow, and has now become them. With no one left to care for her, the only help remaining must come from God, and God has an unimpeachable responsibility to heed Zion's cries and to end her suffering.

This study of *Eichah* yields three major theological perspectives on destruction. The first tells us that terrible destruction is a result of sin; it is something that a people can only bring upon itself. The second,

if a person or a community is suffering, it must be because they did something in order to put themselves in their current situation. It is this belief that leads one to claim that a homeless person should “just get a job,” it is this model of understanding suffering that enables us to blame people for their condition. This approach is comforting to us and allows us to believe that the world is within our control. However, when one adheres to this belief, one is prevented from recognizing the complexity of systems of power that create unjust suffering, and one can easily deny the potential arbitrariness with which the world selects who will suffer and who will prosper.

As witnesses to suffering, we may find ourselves tempted to attribute blame—to the suffering themselves or to others. This can certainly be a practical necessity; in order to

prevent future suffering, one must investigate the causes of past suffering. However, this pursuit can become dangerous if it constitutes the entirety of our response to suffering. As the author of *Eichah* exclaims in the fifth chapter, “Remember, O Lord, what has befallen us.”

He implores God to care for the suffering, regardless of their sins. As witnesses to suffering, we must balance the different messages of the Book of *Eichah*. We must complement our impulse to seek answers with a sense of empathy and urgency to assist. As witnesses to suffer-

ing, we must remind ourselves that it is not our primary role to assign blame, but to work speedily to alleviate the pain of those in need. ■

1 <http://www.torah.org/advanced/mikra/5762/hagim/eikhah2.pdf>



Listen to Your Heart

While we primarily think of *Tisha B'Av* as a fast day in which we mourn the destruction of the *Beit Ha-Mikdash*, it also marks a time of self-examination for us as a nation. It acts as a yearly barometer, helping us to qualify where we are as a society, both with God and amongst ourselves.

In the *shacharit* Torah reading for *Tisha B'Av*, we read verses from *Devarim* 4:25–40, which foreshadow how Israel, through its sins, will eventually be cast into exile. Spiritual inactivity will lead the people to stray from the Torah way, casting aside potential opportunities for spiritual growth and intellectual stimulation. Despite this ominous prediction, the *perek* ends with the reassurance that the Jews will eventually return to their origins.

In *pasuk* 39, it reads, “You shall know this day and take to your heart that Hashem, He is the God...” This verse is read everyday in the *aleinu* prayer and is also brought forth in the *Tisha B'Av* reading to reinforce that *b'nei yisrael* know there is only one God but must find ways to understand this emotionally from the heart. A *mussar*-oriented approach would emphasize that despite our ability to utilize our intellects to gain knowledge, too often, we do not take these lessons to heart. This sometimes results in behavior that adversely affects our well-being. Many observant Jews are remiss in their performance of certain commandments because they lack real, emotional commitment. For example, individuals who patronize kosher eating establishments sometimes fail to think about how the food is produced and how the workers serving the food are being treated. Please continue to support Tav HaYosher awarded eating establishments and encourage your favorite restaurant to join this important initiative.

This *Tisha B'Av*, Uri L'Tzedek encourages you to make a commitment to reflect on how you can use both your mind and heart to make society better and stronger.

by HILLARY LEVISON

A Destroyed Temple and an Alienated People: Are the Jews Alone in the World?

by RABBI SHMULY YANKLOWITZ

When I lived in a quiet caravan in Efrat many years ago, I read books like Thoreau's *Walden* and the Rav's *Lonely Man of Faith*. I came to believe that loneliness was a virtue. Solitude was ideal, being single was a merit, and Israel and Jews should stand alone. Hasidim value the virtue of *hitbodedut* (aloneness), but this is a contained spiritual practice, not a constant way of life. Is it good to be alone?

In describing the tragedies that overtook the Jewish people, the book of *Eichah* 1:1 says, "*Eichah yashvah badad ha'ir rabati am*" (How alone is the city once filled with people). The verse speaks of mourning the destruction (and being "alone") of a nation. Thus, being "*badad*" (alone) is not a positive value according to the Torah, as Rabbi Jonathan Sacks points out. G-d comments in Genesis that "*Lo tov heyot ha'adam levado*" (it is not good for man to be alone). Balaam was hired to curse the Jewish people, but he repeatedly blessed them. At first glance, it seems that one of his blessings is that *Am Yisrael* is an "*Am levado yishkon*" (we are the people that dwell alone). Some suggest that this phrase is a blessing, but as we know, *levadad* (being alone) is a curse.

Rabbi Sacks brings two proof-texts to back this view. First, the Talmud (Sanhedrin 90a) says that Balaam is one of only seven people who do not have a share in the world to come, and the other *Mishnah* (Sanhedrin 105b) says that all the blessings that Balaam blessed the Jewish people turned into curses, with the sole exception of one (*Mah tovu ohalecha Yaakov, mishk'notecha Yisrael!*). According to the rabbis, Balaam's words were a curse not a blessing so it is a curse to be alone.

To many today, it is popular to

say that Jews have no friends in the world, with some blaming all of our problems on anti-Semites. Those who argue that Jews are alone often suggest that Israel does not need the United States or the United Nations or anyone in the world. On an individual level, some say they do not need family or friends to be happy and successful. To be sure, much of Jewish history has taught us to be cautious, but it is not always suffused with tragedy and betrayal. We need not embrace a totally lachrymose theory of Jewish history. When we think we only have enemies, we only have enemies. We risk shirking our own responsibilities. All people have external problems and internal problems. When we place all the blame on external problems, then we do not clean up our own shops and look properly at our internal problems. Even further, when we tell ourselves that we are alone, our self-defeating isolation becomes a self-fulfilling prophecy.

If Balaam's statement is a curse, then "*levadad*" is negative, and it is not good to be alone. But if it is actually a blessing, then we must understand "*levadad*" differently. Many commentators understand "*am levado*" differently, explaining that it means the Jews are an indestructible people. The Ibn Ezra explains that it means that Jews do not assimilate. The Ramban suggests that being alone means that Jews maintain their own integrity. In short, to be a Jew is to have a unique relationship with G-d and Torah, not to be hated by all Gentiles and exist in isolation. To be holy means to be set apart, not to be alone. It is about us, not the other. To be sure, thinking oneself special can easily slide into chauvinism if the notion of election and chosenness is not nuanced.

Moving from the national to indi-

vidual perspective, there is a relevant lesson about leadership. Leaders, in many ways, are set apart, but they cannot be alone. They must be in partnership, solidarity, collaboration, and debate with people, and not be in isolation. Ron Heifetz, Harvard Professor of leadership studies, warns that un-partnered leaders are inevitably "assassinated." If you rise to the front to stand alone, human nature (or group nature) is to critique or attack.

Our tradition teaches us the importance of a leadership style that builds bridges with others rather than isolates or alienates. The Kotzker Rebbe, a 19th century Polish Hasidic leader, asks why Joshua, and not Pinchas, was chosen to be the next leader of the Jewish people after Moshe. He answers that Pinchas was not chosen as the next leader because he was *kannai* (a zealot)—one who acts solely on one's own inflexible beliefs, whereas Joshua had "*ruach Elokim*," which Rashi interprets to mean he possessed the ability to help people feel understood. True leaders do not act alone as a zealot (or act, learn, or live alone); they understand other people and other nations and have a relationship with them. We are not to act as an *am levado* but an *am meyuchad* (not alone but special).

In the 21st century, our destinies are interconnected, and connectivity and dependence can often be more advantageous and perhaps even virtuous than independence. Embracing our need for others inspires humility. After all, Torah values marriage, *mishpachah*, *chevruta*, *kehillah*, unity of nation and solidarity in the world, the value of the collective and of encountering others. Our collaboration and partnership with other nations and faiths is not just strategic. It is a mor-

al and spiritual commitment. As the late Israeli Prime Minister and IDF General Yitzhak Rabin said: "Israel is no longer a people that dwells alone. It has to join the global journey toward peace, reconciliation and international cooperation."

We have much to share with other nations but also much to learn from them. In the 21st century, we must learn to transition from tolerance to pluralism and from co-existence to solidarity. Albert Einstein, who had every right to embrace isolation in 1934, nevertheless addressed schoolchildren with these words,

Bear in mind that the wonderful things you learn in your schools are the work of many generations, produced by enthusiastic effort and infinite labor in every country of the world. All this is put into your hands as your inheritance in order that you may receive it, honor it, add to it, and one day faithfully hand it to your children.

This value can be learned through observing the experiences of birth and death. When a child is first born, the fists are clenched. The child was alone in the womb and does not think that he or she needs anyone. But when one passes away, the hands are open as if to embrace. After the end of a life, one realizes that we need friendship, family, love, and partnership. We learn from the experience of death that we cannot be alone.

Pablo Casals, the noted cellist and refugee from fascist Spain, said, "We ought to think that we are one of the leaves of a tree, and the tree is all humanity. We cannot live without the others, without the tree." We as Jews have something very unique but we must never forget that we are still part of the human tree.

Many still claim that the Jews are

“...when we tell ourselves that we are alone, our self-defeating isolation becomes a self-fulfilling prophecy reflect that kind of behavior.”

at threat in America, but we must recognize that anti-Semitism is not a problem in America today, and to claim it is a problem is to unfairly use history as political capital. The FBI 2010 report on hate crimes recorded that nearly half (forty-eight percent) were based on race, and that about 19 percent were the result of anti-gay violence. While hate crimes against Jews were predominant among crimes based on religion, it should be noted that crimes based on Islamophobia have risen even more dramatically.

This does not mean the Jewish people should ever be passive in responding to any individual acts of anti-Semitism, but we need to adapt to face the greater challenges we currently face as American Jews in the 21st century. Nevertheless, there is reason for optimism in the attitudes of young Americans, as Hannah Rosenthal, the U.S. Special Envoy to Monitor and Combat Anti-Semitism, noted, "In the United States, we have a history over the last several decades of people with differences getting together to fight for each other's differences, whether it's the Civil Rights Movement, women's movement, the labor movement, and the list goes on." Sadly, it is not always true that these bridges are built but we should continue to strive for this goal.

We are a minority, and it is crucial that we continue to identify with other minorities in America. According to the Public Religion Research Institute's 2012 study, 70 percent of American Jews are in support of the DREAM Act, which proposes a path

to U.S. citizenship for undocumented residents brought here as children and now enlisted in the military or in college. Further, a strong majority of American Jews today believe that immigrants strengthen American society. About two-thirds of American Jews believe that Muslims are an important part of the U.S. religious community. Minority groups of all kinds are under attack in America, and it is crucial that American Jews, a minority group that is protected in America today, not forget its roots. As many religious Jews in America and Israel are sliding into xenophobia and isolationism, we must be sure to combat to present a different more optimistic and inclusive model.

This *Tisha B'Av*, we are mourning the brokenness of our people. The Jewish people are scattered around the world and too many are lost and alienated from their roots. We are seeking to rebuild Jerusalem (on the earthly and heavenly plane), to strengthen our holy nation, and realign ourselves with our core Jewish values. Rebuilding ourselves, however, cannot mean isolating ourselves from other good people in the world or idealizing a separatist ideology. Rather, the Jewish people must stand in solidarity with all people in the world who believe in the just and holy. Rebuilding our nation cannot be at the expense of repairing the world. They are inextricable. ■

1 Numbers 24:5

I could not miss you if you were here

Pages are yellowing in the book that
you left
on the shelf.

I trace my fingers along
the curves of its letters.
I have memorized
where, in the margins of which pages,
the faint imprint of the oils
of your fingertip
appear.

When I read its lines,
my lips take form,
trying to match the shape of yours.

The book has become an archive,
catching pictures, bobby pins,
loose strings,
theater tickets,
things that are yours.

I know
exactly the size of the hole it makes
when i remove it
to read it
again.

by JOSHUA SCHWARTZ

Eichah Rabbah (Buber ed.) 3:21

“This I call to mind, therefore I wait.” (Lamentations 3:21)

R’ Aba b. Kahana says, this is a parable of a king who married a woman and wrote her a grand *ketubah*, inscribing for her all what kinds of *chupot* he would make for her, and what kinds of adornments he would make her, and what kinds of gold and silverware he would give her.

But he left her for many years, going traveling across the sea. Her neighbors would harass her, saying her husband had abandoned her, she should go and marry another man, leaving her to cry and moan.

Afterwards, she would enter her *chupah* and read her *ketubah* and moan.

After days and years, the king returned, saying to her, “I am astounded by you! How could you wait for me all these years?” She said, “My master, my king, if it were not for the *ketubah* you wrote for me, my friends would have led me astray so long ago.”

So, do the nations detail to Israel, telling them, “Your Lord does not want you. He has abandoned you, and His Presence has alighted from you. Join us, and we will appoint you as dukes, governors, and commanders.

But instead, Israel enters her synagogues and study halls and read from the Torah, “I will turn to them and make them flower... and My spirit will not reject you,” (Lev. 26:9, 11) and they are comforted.

And tomorrow, when the redemption comes, the Holy One will say to Israel, “My son, I am amazed by you! How could you wait for Me all these years?” and they will say before G?d, “Master of the Cosmos, without Your Torah which You gave to us, and without our entering synagogues and study halls, reading, “And I will turn to you... and my spirit will not reject you,” then the nations would have led us astray. Thus it is written, “If your Torah had not been my delight, then I would have been lost in my suffering.” (Psalms 119:92)

Commentary: What a beautiful and painful text. The crux of our religious life is founded on absence, on wanting, on waiting. It is not novel that Jewishly inflected existence is one that is infused with anticipation. The memory at the heart of *Tisha B’Av* is our true spiritual lodestone, the event that weights all others in meaning. That which defines us is our lack. Even the Holy One is continually surprised. “How could you wait for Me all these years?” How could we?

The very center, the essence of Jewish religious, life, the Torah, does not serve as a nexus to the fulness of the presence of G?d. Our reading of the text is a consolation, reminding us of the impossible horizons that mark the limits of our present, the past that always was and the future that always comes. The gift of the Torah denotes the absence of G?d. We would not need a memento if the Holy One were with us still.

The lack of immediacy, the deferral, the absence could read so easily as an emptiness of meaning. The nations try to seduce us. G?d is absent now; we are missing the present. Instead, the fissure can appear to us not as a lack but as a breach into which we can only jump. This is the act of faith.

So, we go back to the synagogues and go back to the study halls. We remind ourselves of the promises made, of the dream of the future. We make meaning in the present, we make the Torah our delight. We turn to the world as is and try to make it at least appear to be the world as it should be. We remain faithful to the promise of the future, the promise of justice. And tomorrow, when the redemption comes, we will be embraced in G?d’s eternal astonishment.

The Great Mystery of the Red Heifer - Solved

by DR. RICHARD A. COHEN

A *hok* is a commandment which cannot be rationally explained. Even attempts to give meaning to *hokim* are surrounded with caution, care being taken that such exegeses not discourage their application. According to the Rabbis, the greatest, indeed the exemplary case of a *hok* is the *parah adumah*, the Red Heifer, described in Numbers 19:1-19. Even the very “wisest of men” was unable to explain it: “Thus spoke Solomon: ‘I succeeded in understanding the whole Torah, but, as soon as I reached this chapter about the Red Heifer, I searched, probed and questioned, ‘I said I will get wisdom, but it was far from me.’ (Ecclesiastes 7:23)” (*Yalkut Shimoni* §759)

In the sixth of his famous *Eight Chapters*,¹ Maimonides resolves an apparent contradiction regarding who is superior, the “virtuous person” or the “continent person,” i.e., the person who does what’s right and wants to or the person who does what’s right but would rather not. Maimonides cleverly distinguishes *mitzvot* which state “things generally accepted,” e.g., prohibition of murder, lying, and stealing, about which the Sages have said “If they were not written down, they would deserve to be written down,” (BT, Yoma 67a), from *mitzvot* which come solely from tradition, about which Maimonides says “if it were not for the Law, they would not be bad at all,” e.g., separation of milk and meat, of linen and wool, the scapegoat. Of the latter two instances Maimonides notes that the Sages have said “You have no permission to disparage them. The nations of the world argue against them, and Satan criticizes them.”² (BT Yoma 67b) According to Maimonides, it is the generally accepted moral precepts which we should want to

do, and the commandments sanctioned solely by tradition which we must be compelled to do, not because we are necessarily so inclined but according to our disciplined adherence to the Law. Thus “virtue” is required in some cases, and “contenance” in others. Jews do not eat pepperoni pizza, not because they do not want to but because it is forbidden. In a broad sense, then, the mystery of the Red Heifer is the mystery of all *hokim*, *mitzvot* authorized by tradition alone, whose inexplicability derives from apparently contingent and arbitrary designations, a Red Heifer rather than a white heifer, linen and wool rather than cotton and wool, say, or a goat rather than a sheep.

What makes the Red Heifer the exemplary *hok*, however, is that its inexplicability is even greater than that of an order dictated by tradition alone. Let us say first and briefly what the *mitzvah* of the Red Heifer is. A Red Heifer, the qualifying attributes of which are already quite rigorous and improbable, is slaughtered (and its blood sprinkled in the direction of the holy of holies, *Mishkan* then Temple), then burned along with cedar wood, hyssop and scarlet thread. The resultant ashes are then mixed with spring water. On the third and seventh days of a seven day period, this mixture is sprinkled on a Jew who has been defiled and made impure (*tamei*) by physical contact with a dead body (*met*), to restore the purity of that Jew.³ Already one can see that it is a procedure fraught at every step with the “arbitrary,” with the sorts of things and actions stipulated by tradition alone, and which constitute the mystery of *hokim*.

But the mystery of the Red Heifer goes farther. It lies in the fact that the priests, the *kohanim*, who im-

plement the purification rites are themselves defiled by their performance of the ritual. The Red Heifer thus both purifies and defiles: it purifies the defiled and defiles the pure. That the pure (ash mixture of Red Heifer) administered by the pure (priests) makes the impure (Jew defiled by contact with the dead) pure, makes intuitive sense; but that the pure (ash mixture of the Red Heifer) makes the pure (priests who administer it) impure, defies sense, is indeed counter-intuitive. The latter is the great mystery, the great *hok* of the Red Heifer whose explanation stymied even King Solomon.

Of course there can be no explaining a *hok* per se, i.e., why these rather than those particulars are stipulated by tradition, linen rather than cotton, red rather than white heifer, and the like. To be sure, we can give these particulars meaning, and we should, but we cannot ever fully explain them. If fish with scales and fins had been forbidden, and lobsters and shrimp allowed, the system of kosher food would remain intact. Sometimes both obverse and inverse are retained: lighting the *chanukiah* from right to left or from left to right, or the angle of a *mezuzah*, both options remain alive, even if only one is performed at this time. This is a recognition that the heart of the matter does not lie in such particulars.

But what has been singled out as the special mystery of the Red Heifer, the matter of the defilement of the pure, this, I believe, can be explained.⁴ Or perhaps it is more precise to say that the mystery remains, but it is otherwise than it first appears. The answer has to do with election and the inextricable bond between divine chosenness and ethics. The first clue lies in relating the *hok* of the Red Heifer to

the rabbinical notion that sacred writing, the Hebrew Bible most especially, “makes the hands impure.” (BT Shabbat 14a)

The rabbinical expression “makes the hand impure” in relation to sacred writings appears in the Talmud in a number of places. In *Masechet Yadayim* 3:5, the issue is the ques-

agree upon, is that sacred writings make the hands impure. The only issue of disagreement is whether the *Song of Songs* and/or *Ecclesiastes* do as well.⁵

So, both sacred writings and the Red Heifer “make the hands impure.” Yet, except for the misunderstanding of the Saducees,⁶ no one

dards, the immeasurable measure without which there would be no standards at all. We do not speak of G-d as king, but King of kings, and not even that, but as King of kings of kings. And even that, according to Maimonides, is a human metaphor and cannot be taken literally insofar as human kingship would be

“The sacred drama of creation, the drama not simply within space and time, a merely tragic drama, but of all of space-time in relation to purity and impurity, i.e., creation in relation to holiness, is the story of human election to responsibility, responsibility for purity in an impure world.”

tion of including or excluding *Song of Songs* and *Ecclesiastes* from the biblical canon. To support their inclusion, the *Mishnah* makes the following enthymeme, “All the holy writings make the hands impure. The *Song of Songs* and *Ecclesiastes* make the hands impure.” This *mishnah’s* unstated conclusion, namely, that “The *Song of Songs* is holy writing (and therefore should be included in the biblical canon),” follows by strict logic assuming that of all writings *only* holy writings make the hands impure. Rabbi Judah then says that while indeed the *Song of Songs* makes the hands impure, and so should be included, there is a question about *Ecclesiastes*. Rabbi Jose counters with the reverse claim, that *Ecclesiastes* makes the hands impure, but there is a dispute about the *Song of Songs*. Rabbi Simeon, Rabbi Simeon ben Azzai, Rabbi Akiba and Rabbi Johanan ben Joshua, then join in the discussion, expressing varying points of view. What none of the Talmudic sages dispute, however, and what they all

remarks upon the seeming paradox and mystery when it comes to the bewildering fact of the impurifying powers attributed to the sacred writings. This, it seems to me, is because it is understood that the holiness of sacred writings is so great, their elevation so high, indeed, absolute, that in relation to such holiness human hands – any human handling of such texts – can only be profane, impure. In brief, the Five Books of Moses set the human standard of holiness, of the holiness of writing, and in relation to this most exalted standard of holiness *everything* else is impure. Spiritual purity, Torah purity, is defined, we can say, by the elevation of the holy *Chumash*.

But holiness is not like any other standards, such as the gold standard, or the standard metrics determined by the Geneva Conference on Weights and Measure, or the various international time standards. It is not artificially constructed or stipulated, and hence not a *hok*. It is absolute, the standard of all stan-

a degradation of the authority of G-d’s transcendent rule. So, too, we speak of the “holy of holies” as the center of the Temple and even there of the space between the wings of the *Cherubim*. Again, this is only a manner of speaking, metaphor, human representation. Holiness, in its divine source, transcends all human comprehension, language and experience: the closest we have is the Torah, the Five Books of Moses, whose holiness is so great that to even touch such a book is to make one’s hands impure. All this helps clarify the great mystery of the Red Heifer.

What does the teaching regarding purity and the Torah have to do with the *hok* of the Red Heifer? The one is the highest most uplifting standard of purity in the “spiritual” realm, the other the highest most efficacious standard of purity in the “material” realm. Nothing purifies more in the world of action than the ashes of the Red Heifer prepared by the Temple priests. We know this because it purifies the most impure

of all material things: the impurity of physical contact with the human corpse. And we know this, too, because it makes even the exceptional purity of the Temple priest who administers this rite impure. If one can separate spirit and letter, the highest standard of each is *Chumash* for the former and Red Heifer for the latter. Of course, these are inseparable. And, as should be evident, they are both inseparable from their presentation through Oral Torah, for Written and Oral Torah are inseparable. Nevertheless, these are two distinguishable aspects – soul and body – with two distinguishable standards – Torah and Red Heifer – of the paradoxical monotheist unity.

Not only does this explanation clarify the true meaning of the *hok* of the Red Heifer, but it also clarifies why the Rabbis see in the Red Heifer the greatest *hok* of all. It is not, as it first seems, because of how puzzling it is that something pure and purifying can make the pure impure. This is what happens with the Torah, after all, it “makes the hands impure.” Rather it is because in the realm of the material world, which is the source of the mystery of all the *hokim* – linen rather than cotton, red rather than white, king rather than absolute, etc. – it is the *nul plus ultra* of transcendence, the closest of all closeness to G-d, the saving or redeeming glory of the Creator in creation.

This also helps us understand what the Rabbis mean, in their incomparable profundity and fine humor, when in the Talmud they justify the declaration that Torah “makes the hands impure” to prevent Jews from storing or hiding their sacred writings with *terumah*: so that the mice would not also nibble away at scriptures when they ate the grains. And regarding those who no longer

have ears for such injunctions, or think them quaint and antiquated, is this not precisely what has happened, thinking that Torah and Homer are no different,⁷ when our present day “Saducees,” – philologists, historicists, post-moderns, deconstructionists – all very clever and sophisticated gourmands, nibble away at the sacred texts as if they were no more than grains, oblivious, indifferent and sometimes even hostile to their true virtues. At least the rabbis, always precise, ever compassionate, keeping perspective, speak of such approaches in terms of mice and not rats.⁸

As with the Torah, so too with the Red Heifer, we find the highest sense of election: being bound by the absolute, the moral absolute. It refers, to be sure, to the election of the Jewish people, bound as Jews are to Torah, to the Hebrew Bible, to the Red Heifer, but also it refers to the election of all humanity, bound as is all humanity is to creation ordered by the imperatives of an absolute morality. The sacred drama of creation, the drama not simply within space and time, a merely tragic drama, but of all of space-time in relation to purity and impurity, i.e., creation in relation to holiness, is the story of human election to responsibility, *responsibility for purity in an impure world*. Concretely, it is the quest for freedom, the great exodus and adventure of the Jewish people and of all humanity. This is the lesson taught by the prophets who fearlessly are always fearful lest the Jews sink into pagan ritual rather than rise to the divine imperatives of the One G-d, imperatives which are always ethical and never only a formality of ritual or behavior. Despite its Temple, despite its many rituals, despite its hundreds of *mitzvot*, or precisely

because of these, Judaism is never a religion of sacraments. Nothing is automatic, nothing is guaranteed. Indeed, the *mitzvot* signal an adult way of life with aspirations far higher than mere sacraments, which tempt only children. Judaism is a religion of sacrifice, and sacrifice, according to the highest standard of purity, is *self-sacrifice*: the priest, the most pure, is responsible even to the point of making himself impure to cleanse the impurity of the other, to cleanse the other person from contact with death. All giving, all generosity, all righteousness, is a giving of the self. Take a piece of my heart. The “life” of the Torah, the life of Judaism, is not animal reflex but precisely this ethical being-for-the-other before being for-oneself. French-Jewish philosopher Emmanuel Levinas expressed this idea by citing the great 18th century *mussar* Rabbi Israel Salanter, “The material needs of my neighbor are my spiritual needs.”⁹ To improve the world, to repair it, to help our neighbors, to struggle for justice – we must dirty our hands.

The highest sense of election – for Jews, for all humanity – is to take up such an ethical burden, responsibility for neighbor and for all others, morality and justice, as only humans can, and for Jews via the path of *mitzvot*, which are truly all of them, from ritual to right, “good deeds,” “He has told you, O man, what is good! What does God require of you but to do justice, to love kindness and to walk humbly with your God?” (Micah 6:8) Or in the words of Jeremiah, “If one does justice to the poor and destitute, then it is good; is this not ‘knowing Me’?” (Jeremiah 22:16) Or finally, from Jeremiah’s Lamentations, which we read on *Tisha B’Av*, in the presence of our absent Temple, “To

crush under His feet all the prisoners of the earth; to deny a man justice in the presence of the Most High; to wrong a man in his conflict; the Lord does not approve.” (Lamentations 3:34-36) ■

lah, 7a”, in Emmanuel Levinas, *In the Time of the Nations*, trans. Michael B. Smith (Bloomington: Indiana University Press, 1994), 11-32, notes, 184; especially subsection 6, “The Impure Hands,” 23-25.

9 Emmanuel Levinas, *Nine Talmudic Readings*, trans. Annette Aronowicz (Bloomington: Indiana University Press, 1990), 99.

1 Moses Maimonides, “Eight Chapters,” trans. Charles E. Butterworth and Raymond L. Weiss, in *Ethical Writings of Maimonides*, ed. Raymond L. Weiss with Charles Butterworth (New York: Dover Books, 1983) 78-80.

2 I thank Professor Georges Hansel for improving the English translation.

3 With the first and second Temples destroyed, Jews to this day do not enter into the holiness of the Temple Mount area because they cannot be purified through the Red Heifer.

4 Allow me to note with gratitude that this idea came to me during the first seder of this past Pesach (and Shabbat), April 6, 2012 (Nissan 15, 5772), to which I was welcomed as a guest by Seth and Lauren Greenberg in Berkeley, California.

5 Similar confirmation that sacred writings making the hands impure can also be found in BT Bava Batra 4a; BT Megilla 7a; BT Chagiga 1:7; BT Shabbat 14a; *Kohelet Rabbah* 2:13; T Yadayim 2:13-14

6 In M Yadayim 4:6, the Saducees, in their usual opposition to the Talmudic rabbis, the so-called “Pharisees,” exclaim: “Holy Scripture make the hands impure, but the books of Homer don’t make the hands impure.”

7 Of this Levinas has said: “There is a participation in Holy Scripture in the national literatures, in Homer and Plato, in Racine and Victor Hugo, as in Pushkin, Dostoyevsky or Goethe, as of course in Tolstoy or in Agnon. But I am sure of the incomparable prophetic excellence of the Books of Book, which all the Letters of the world awaited or upon which they comment.” Emmanuel Levinas, *Ethics and Infinity*, trans. Richard A. Cohen (Pittsburgh: Duquesne University Press, 1085), 117.

8 Compare Levinas’s comments on the matter of making the hands impure: see, “For a Place in the Bible: From the tractate Megil-

Beboop History of the Exile

popped string: we
melody-unzipped we know
a thing or two about
we know nah –
thing we know
about the tube: the birth: the pre:
this thing of nah-thing, thing of
boundless we:
we boundless
we nothing boundless
we're bound
bound-up!
down in the rotten Russian bathtub, down the ice
the ice of we, and the pitch
black pitch we know
nothing, the silence –
but nothing is silent about the pitch!
Yael pitching skies
over Sisera's sleep
he sunk he fell he lay
between her skies between her thighs
and the rhythm was all in her
she went uh-one-TWO-three-four, laying back, one-TWO-three-four
she sang one chorus
but her shadows kept banging
over and over as if into winter
earth that won't give, as if into god-behind-the-ice –
the god of nowhere
to go but inward, call it nah –
thing, the song
of someone pulling
our big exilic bathtub
with a popped string, we
melody-unzipped we

by JAKE MARMER

Mourning and *Tikkun Olam* in Moderation: The Benefits of Practices that “Most Can Uphold”

by Yael Kalman

T*isha B'Av* is a day of commemoration through mourning, a day that marks enumerated tragedies that befell the Jews. On *Tisha B'Av*, we are directed to go through the motions of mourning to appreciate a loss from which we, as moderns, are removed. In rabbinic texts closer to the time of destruction of the Temple, however, we can detect a trend of extreme mourning, to which the rabbis respond with a message of mourning in moderation.

The sages taught: when the Temple was destroyed a second time, the ascetics in Israel increased, refusing to eat meat or to drink wine. Rabbi Yehoshua joined their discussions and said to them: “My sons, why don't you eat meat or drink wine?” They said to him, “Shall we eat meat which was sacrificed upon the altar, which has now ceased, and shall we drink wine that was anointed upon the altar, which has now ceased?!” He said to them, “If so, we shouldn't eat bread, since meal-offerings have ceased!” [They said:] “But we can eat fruits!” [He replied:] “We shouldn't eat fruit, since the offering of first-fruits has ceased! ... And we shouldn't drink water since the water libation has already ceased!” They were silent.

...Not to mourn at all is not possible, since the ruling has already been issued, and to mourn too much also is not possible, since **an order is only issued upon the public if most can uphold it**. ...Rather, the sages said thus: one plasters his home with plaster and leaves a small portion unfinished [in remembrance of the destruction of Jerusalem]; one prepares a feast and leaves a small portion unfinished...; a woman adorns herself with all her jewels but leaves a small portion unfinished. (BT Bava Batra 60b)

The Rabbis, or at least Rabbi Ye-

“The acts of prescribed mourning and engaging in *tikkun olam* are distinct, but they have overlapping goals: both seek to increase awareness in a loss, in a brokenness.”

hoshua, deem excessive mourning for the destruction of Jerusalem both counter-productive and self-destructive. The best, most effective way to commemorate the destruction is, instead, to introduce some small but noticeable change that reduces our enjoyment.¹ Such mourning in moderation allows the public to go about their daily lives, with a subtle reminder of that loss. Moreover, a practice that is accessible rather than excessive, and less burdensome physically and ideologically, encourages broader observance.

Rabbi Yehoshua ridicules the ascetics' dogmatic refusal to eat any foods associated with Temple sacrifice, and dismisses their proposed commemoration as absurd. He recognizes that such an extreme approach to the destruction of the Temple is, in fact, self-destructive. The approach of the ascetics does not help them acclimate to life without the Temple; but rather, evokes the sentiment that there is no life after the Temple. The conflict between the ascetics and Rabbi Yehoshua denotes a difference in attitude about mourning for the Temple, and their respective positions could also represent different stages of mourning. The ascetics are immersed in the loss and remain stagnant, unable to move beyond the destruction. Rabbi Yehoshua, on the other hand, acknowledges the loss and at the same time recognizes the need to move forward and to work through the loss.

The acts of prescribed mourning and engaging in *tikkun olam* are distinct, but they have overlapping goals: both seek to increase awareness in a loss, in a brokenness. Mourning and *tikkun olam* also encounter similar risks: the shock of the severity of the loss or the burden of responsibility to respond to the loss can paralyze us from action. The major distinction between them, however, is that *tikkun olam* seeks active change for the future, whereas mourning fixates on the past. *Tikkun olam* is premised upon a fundamental change to *correct* the loss. In contrast, in mourning the loss is always there and *cannot* be corrected: the loss will always be present, but it may not always be at the forefront, and the pain from the loss may dull over time.

As in mourning practices for *Tisha B'Av*, efforts to realize *tikkun olam* expose us to the disparity between expectations and actuality: our expectations of how much we or others will dedicate to commemorating the loss or correcting the wrong is disproportionate to what most of us are actually willing and emotionally able to do. A line from the *Gemara* mentioned above is highly instructive: “an order is only issued upon the public if most can uphold it.” (BT Bava Batra 60b) If we truly seek to implement broad social change, we must accept human frailty and recognize individuals' limitations. Our expectations should be reasonable; we cannot expect that people will commit themselves to a cause as

thoroughly as its leaders have.

While many are willing to donate to a cause; wear silicone bracelets to show their support; go on 5K runs or bike rides to raise awareness or to raise funds for *tzedakah*; or go on a ten-day trip to a developing country to build homes or engage in other manual labor — and all of these efforts are highly commendable — there are far fewer who are so passionate about a cause that they will adopt it as their life’s work. Nevertheless, creating opportunities for public involvement and broad contribution is instrumental in advancing causes of social justice, which could not be accomplished by the dedicated few, no matter how dedicated.

Leaders who encourage public involvement through performing acts that “most can uphold” will have more participants. Still, the language of the *Gemara* is that “most can uphold it” and not “all can uphold it.” Requests from the public should not be so watered down or so undemanding that anyone and everyone would be expected to execute them. The act of *tikkun* should still take some effort, should be somewhat emotionally or physi-

cally taxing, and should in some way impact the cause for the better.

Accessible activities that promote *tikkun olam* and acts of mourning that commemorate *Tisha B’Av* are, in essence, a response to human limitation. If we were commanded to mourn excessively, or if the only “legitimate” *tikkun olam* were highly cumbersome— our experience of responsibility would feel overwhelming. When we are unable to feel a profound sense of loss for the destruction of the Temple, or when we fall short of our expectations of what we can undertake to mend the world, we are flooded with waves of guilt. Establishing acts of *tikkun* and mourning rituals that require our commitment but still remain attainable — ones that “most can uphold” — alleviates this guilt, relieves our anxiety, and recalibrates our expectations.

As we enter this *Tisha B’Av*, rather than fault ourselves with failing to meet our ideal ideological or theological expectations, we should embrace the defined practices that our sages established as a response to our limitations. It is no coincidence that we are commanded specifically in what ways to mourn. Some are

paralyzed by tragedy and are so lost in their grief that they do not know where to begin, while others cannot begin to grieve because they do not feel the pain of the loss. For neither group of would-be mourners does mourning come organically or spontaneously: both groups need an external push, a set of prescribed yet eminently doable actions to keep them from stagnating, or worse yet, converting their guilt into self-reproach for being unable to mourn. If we struggle to grieve for the Temple, it is not because we are deficient in any fundamental way; it is only because we are human. ■

1 This strategy of lessening one’s enjoyment is also present in the *Mishnah*: “On the evening before *Tisha B’Av* one should not eat two cooked foods, nor should he eat meat or drink wine. Rabban Shimon ben Gamliel says: One merely makes a modification [by reduction]. Rabbi Yehudah obligates turning over the beds [i.e. sleeping on the ground]; the sages did not agree with him.” (M Ta’anit 4:7)



Rebuilding the *Beit Ha-Mikdash* One Interaction at a Time

During the three weeks, I try to think about what we, as modern Jews, can do to rebuild the Temple. *Chazal* cite *sin'at chinam* (causeless hatred) as one of the reasons for the destruction of the latter *Beit Ha-Mikdash* (BT Yoma 9b). On *Tisha B'Av*, as we mourn this loss, we are challenged to decrease our continued discomfort with others in our community and begin the process of rebuilding this holy site. *Sin'at chinam* can come from a lack of knowledge and understanding of our fellow human being. When we don't understand someone's actions or motivations it is easier to alienate them. It is only when we understand the complexities and challenges another person faces that we find it easier to have compassion.

Chazal relate a story where a man greets Rabbi Eleazar, returning home from the *beit midrash*, yet Rabbi Eleazar chooses not to acknowledge his greeting. The Talmud informs the reader that the man was ugly, implying that Rabbi Eleazar judged the man by his appearance and refused to speak to him due to his looks. Perhaps Rabbi Eleazar was tired after a long day of Torah learning or just wanted to get home to his family. In the end, the ugly man reminded Rabbi Eleazar that we are all God's creations, indicating that although his outside appearance was ugly his inside was not, and Rabbi Eleazar should have taken a moment to know him before dismissing him based on looks. Rabbi Eleazar, realizing his mistake, begged the man for forgiveness (BT Ta'anit 20a-b).

In our everyday lives, how often do we repeat the mistake of Rabbi Eleazar? How frequently do we pretend to positions of judgment based on appearances alone? Our interactions with those who struggle with homelessness are accompanied by implied judgments and unfounded assumptions. When we encounter someone panhandling or sleeping on the steps of a church, we easily can fall into the trap of presuming to know how they came to that position. Due to this inborn tendency, we tend to make snap judgments about people who struggle with homelessness for being lazy or irresponsible. It is hard to understand how someone who works hard could just as well end up in that depressing position. However, research shows that the primary cause of homelessness, particularly among families, is a lack of affordable housing.¹ In today's housing market, mere employment is not enough to be able to ensure affordable housing. Women who live in poverty and suffer from domestic violence are often forced to choose between abusive relationships and homelessness.² A battered woman could work hard but may be forced to leave her home to ensure her safety. The only way toward social justice is through the recognition that people at every level deserve the same level of respect and dignity that we expect for ourselves. And it is only from the relationships born of such encounters that a world of justice can be built.

An important step in overcoming this judgment is to treat those struggling with homelessness with respect and compassion. Simply acknowledging a person begging on the corner or smiling at the person pushing a shopping cart with all her belongings can humanize that person in our eyes and shows them we value them and treat them with the dignity everyone deserves. Like Rabbi Eleazar, we may be tired or rushing home to be with our families. Still, it is important to take the time to acknowledge those around us and treat them with respect. Additionally, we may choose to look away because it is easier to ignore the pain and suffering before us. When we acknowledge someone's suffering, we internalize it on some level, which can be a trying experience. However, as Rabbi Abraham Joshua Heschel stated "Justice dies when dehumanized..."³ Once we treat someone with respect it can be easier to understand them and help achieve justice.

When eating at a restaurant it is all too easy to overlook the workers who prepare our food. By ignoring the worker as a person we can ignore the problem of low wages, poor working conditions, and long hours imposed by restaurant owners.⁴ Taking the time to acknowledge the line order chef or the dishwasher working in the kitchen will force us to look critically and with interest at how he or she is treated. At Uri L'Tzedek, Tav HaYosher compliance officers take that next step by visiting restaurants to speak to workers, hear their stories and work with them to ensure that Tav-certified, kosher restaurants are just workplaces.

Today, make a commitment to lessen *sin'at chinam* in our world. Although it can be draining, choose to follow Rabbi Heschel's value to achieve justice through humanizing others. I challenge us all to pledge to interact with even one person you might try to otherwise ignore each day. Even a small smile or nod, and the compassion that they bring, can go a long way in achieving groundless love, *ahavat chinam*.

1 http://coalhome.3cdn.net/8ee4ca5ae885377e3a_pom6bh2ry.pdf

2 <http://www.nationalhomeless.org/factsheets/who.html>

3 Abraham Joshua Heschel, *The Prophets* (New York: Harper Perennial Modern Classics, 2001) p. 200-201.

4 http://www.brennancenter.org/page/-/d/download_file_49369.pdf

by Yael Keller

Meaning in the Ruins: Notes on Individual Loss and the Destruction of the Temple

by RUTH T.

On and around last *Tisha B'Av*, I was experiencing a personal high. I had started a relationship I was genuinely excited about with a brilliant and sweet person, and several significant professional achievements followed in rapid succession. In the midst of overwhelming goodness, I could barely eat or think, and upon reflection, I was concerned about my ability to mourn the destruction of the Temple on *Tisha B'Av*, the day Jews commemorate the worst tragedies in their history. I was at that oft-dreamed of juncture where luck and hard work pay off, and I looked up at the Divine with tremendous *hakarat ha-tov*, gratitude, for what Joan Didion ironically calls the “ordinary” blessings of health, happiness, love, and children.¹

Despite efforts to wrap my head around the heaviness of the day, I stretched comfortably on the floor and hummed and swayed unburdened to the haunting melodies of *Eichah* and the *kinnot*. Admittedly, I spent most of the night and day on a cloud of contentment, the most legitimate affliction I could muster cloaked in a very human, but nevertheless self-absorbed, dull understanding that nothing lasts forever: when exactly would I make my descent from this impossibly beautiful place?

What a difference a year can make. Without leaning too far into the temptation of melodrama, this past year has been difficult. Some of what happened was out of my control, other parts well within, and my choices continue to haunt me. Family members fell ill, some terminally, and I spent what seemed like all winter with my own doctors, culminating in an operation that left me emotionally drained and debilitated. The spiral down was not just

the loss of a relationship, not merely the inevitable return to earth I'd expected, but a free fall far below its hard surface to a cold, dead pit: desperation and its aftermath, which for me still spins wildly between cloth-rending sadness and a scarred, numb depression. After the operation, I lay alone shaking on a hospital table, the physical pain feeble compared with this new existential emptiness: love gone, potential gone, hope gone, and G-d absent.

Mourning on *Tisha B'Av* is complicated. To collectively grieve a way of life we have never experienced is challenging, and, even theoretically, the idea of the Temple and animal sacrifice itself is troubling to minds as great as Maimonides. But religion has a language of insight into loss, and Judaism, specifically, with its required mourning the absence of the Temple, places importance on introspection and values pain itself. By depriving ourselves that day, we explore self-alienation, loss of peoplehood, and the skewing of our center. In Jewish mystical thought, significance is placed on *kavvanah*; one's mental state is considered a channel for both good and evil. Joy is encouraged; pleasure and pain are considered powerful. In the words of Rebbe Nachman of Breslov, “precious is the sigh,”² and hopefully, as Rabbi David Wolpe suggests, loss can be transformative when met with faith.³ Without reducing historical forms, the use of personal comparison may aid our understanding of *Tisha B'Av* and our religion's ideas about coping with the inevitable ebb and flow of pleasure and pain, fullness and loss.

The verse, “*V'asu li mikdash v'shachanti betocham*” (Exodus 25:8) is commonly translated, “Make for Me a temple, and I will dwell in it.” However, *betocham*

literally translates, “within you,” or “among you” instead of “in it.”⁴ The purpose of the *mishkan*, or tabernacle, and later the Temple, was to allow the *Shekhinah*, mystical feminine part of the Divine, to dwell with us and make us holy as a people. In that sense, and especially after the destruction of the physical Temple in Jerusalem, our bodies have become vessels for collecting and unleashing godliness through our performance of the *mitzvot*.

Responsibility, as well as its leprous cousin blame, are instrumental in processing loss. Historically, though the Babylonians and the Romans razed the First and Second Temples respectively, biblical passages make clear that responsibility for these events lies with the Jews themselves. Jews considered national disaster to be the direct result of national wickedness and willful human indiscretion, the outcome of severe violations of the covenant between the Jews and G-d.⁵ Analogously, with our own lives, though others may be involved, we are often largely responsible for our own suffering. I am repeatedly amazed at how we allow our bodies, souls, and our fellow humans to be degraded and torn down stone by stone. We both desire and are mandated to build community, but, throughout life, the dehumanizing treatment we receive coupled with our own weaknesses diminish our capacity to be Temple-like conduits for holiness, places of communion, and carriers of life. I believe there is nothing lonelier than realizing that, because of my own disassembling hands, I am not there for myself.

Physiologically, on the spectrum of sensation, pleasure and pain are quite close. “Just as the opposite of love is not hate but indifference, the opposite of pleasure is not pain but

ennui—a lack of interest in sensation and experience. . .”⁶ In the lexicon of cognitive neuroscience, both pleasure and pain indicate *saliency*, experiences that are potentially important and thereby deserving of attention.

In the Talmud, this idea of saliency is demonstrated in a story about a rabbi who falls ill. He is visited by Rabbi Yochanan who asks him the seemingly odd question, “Is your suffering dear to you?” He replies, “Neither it nor its rewards.” Then Rabbi Yochanan reaches out his hand, and his colleague is miraculously healed. (BT Berachot 5b) This story of healing shows not only the power of human touch and interaction, without which emotional and possibly physical healing could not take place, but also that suffering itself has a place and may be “dear” and have “rewards.”

Pain can serve many purposes, including identity, shelter, and self-preservation. The human brain is hardwired to react to pain, and nerves tell the body to pay attention

bathing, anointing with perfume, and on *Tisha B’Av*, studying Torah.⁸

A common explanation for our mourning practices is that by “afflicting the body” we induce discomfort. It may be a minor distinction, but I would suggest that perhaps even more than, or at least in addition to, constituting or inducing discomfort, these actions provide us with a way to hold our ancestors’ suffering “dear.” After all, we are able to inflict pain in much more effective ways; a day without our self-worth or the inability to be a conduit for G-d is a disaster, but a day without food is merely a symptom thereof.

Though I will have little levity to dampen, there are small signs of recovery and thaw. Almost every bit of happiness or upward trajectory I have experienced has been due to the kindness and goodness of a few friends and my family. When I was not present, they were. When I could not move, they moved for me, preparing meals, taking me home for shabbat, filling prescriptions, lighting my menorah, sleep-

While they may seem trite and can be of little comfort to a person in mourning, adages such as, “whatever does not kill you makes you stronger,” or the idea that suffering builds character do possess some true. Pain and loss function as calls to attention, and, in despair, there is both biological and spiritual meaning to be gleaned: memory, and what we do with our pain as time passes is also of interest to this discussion. Neurologically, memory of pain is meant to both reproduce a bit of the off-putting sensation to prevent us from making the same poor and potentially life-threatening decisions twice⁹ and to slightly change our memory of the painful event.¹⁰

Eventually, we all become experts on loss. Rabbi Wolpe writes that it is only when we are naked and have forfeited our defenses that we begin to see ourselves. Stagnation and obsession over loss are not healthy, however fully experiencing and observing it can be helpful. There are parallels to be drawn between per-

“We both desire and are mandated to build community, but, throughout life, the dehumanizing treatment we receive coupled with our own weaknesses diminish our capacity to be Temple-like conduits for holiness, places of communion, and carriers of life.

and avert danger. Manifestations of event-triggered grief include withdrawal, loss of appetite, guilt, anger, and the inability to concentrate or perform daily functions.⁷ These natural reactions are mirrored in our mourning practices which include refraining from food and water, marital relations, wearing leather,

ing at my apartment, reading to me, and sitting with me for endless quiet hours. Though I still often feel I am among the ruins of what I destroyed, I know because of them I will, in the near future, begin to create again. Their reach has eased me back up.

sonal loss and the destruction of the Temple in Jerusalem, among them the mystical idea of our bodies being conduits of the Divine and our practical mourning rituals. By investigating the causes and remedies of pain, its triggers and neurological responses, we infuse our personal suffering with meaning and gain

greater insight into separation and collective memory of trauma. On *Tisha B'Av*, we indulge and explore the process of loss, as we look destruction in its eye. ■

1 Joan Didion, *Blue Nights*, p 30, Vintage International, 2012, the book about the sudden deaths of her husband and adult daughter.

2 *Likkutey Moharan*, 8, as translated in *The Empty Chair*, Jewish Lights Publishing, 1996.

3 Rabbi David Wolpe, *Making Loss Matter*, 6, Riverhead Books, 1999.

4 There is disagreement as to the proper interpretation of this phrase, but while they arrive by different routes of thought, Maimonides, Yehuda Halevi, and countless others agree the *mishkan* was meant to make the Divine spirit accessible to people. Whether the *mishkan* was a vehicle for knowledge and access to Him or a mystical destination for Hashem cannot be addressed in this short essay, but in both interpretations the human spirit and in fact, physical body is comparable to the *mishkan*.

5 Robert Goldenberg, *Early Rabbinic Explanations of the Destruction of Jerusalem*, State University of New York, Stony Brook, Volume 33, 1982, 517, 518. NB: Goldenberg describes Rabbinic understand that the Temple, and particularly the First Temple, may have been destroyed for "lesser" reasons, but ultimately, Jewish indiscretion is the most commonly recognized cause.

6 David Linden, *The Compass of Pleasure*.

7 See <http://www.webmd.com/depression/guide/depression-grief>

8 Interestingly, the brain's pleasure system produces some of these reactions when humans experience extreme pleasure such as that felt when in love, on drugs, gambling, playing sports, and giving to others,

9 PTSD is an extreme example of this phenomenon where the traumatized individual relives the ordeal, but commonly, people experience a visceral flush of the cheeks and the sensation of a stone in the stomach at the thought of a particularly poignant rejection or loss.

10 Andrew Spokoiny in his paper, *Funders and Apes, Our Troglodyte Approach to Failure*, which was published in an abridged version on the Counsel of Philanthropy <http://www.cofinteract.org/rephilanthropy/?author=437>, describes the processes thus: "The processes will start with the release of Gaba, a "anti-excitement" agent. Today gaba precursors are marketed as anti-stress, relaxing agents. However, the real action of Gaba is to stop the brain in its tracks. The brain says: 'wow,this guy is really messing up let's freeze him up before he does something really stupid". We all remember that feeling during a moment of defeat or intense humiliation when things seem to move in slow motion. We also remember those moments with extreme, and sometimes bizarre, clarity. After the freeze, the brain will be flooded with chemicals inducing sadness, depression and lack of self-confident... Indeed, we seem to lose all kinds of appetite. And the cherry on the cake: all sort of neurotransmitters, chemical and electric impulses make sure that we don't forget this sad experience for a long, long time. Evolution's goal is clear: avoid failure and don't repeat it. Your survival depends on it."

11 Wolpe, 101.

We shovel, clumsy with strange hands
in prayer through an excess of time.

All the gathered eras weigh on us;
a collectively collapsed memory uncovers a peculiar
institution, sold and faded.
Cast out, our movements have
lost the
rhythm.

Quiet flames can still burn.

Ancient whispers tell us to come apart;
let the ocean break itself;
weep through this mountainous moment.

A sense of blessing can seep into the most tired soil.

The sinews beneath our skin stretch in sync; our fingers
have always pressed into earth with equal,
desperate force, in search of a misshapen
gift we can only perfect once awake.

Give these shared artifacts new names divined
through the common language of hunger and

exhalation.

The analyst says:
You had to learn how to shatter. Now slowly rise.

by AUBREY SHERMAN



“Truth and Just Peace”: Constructing a New *Kavvanah* for *Tisha B’Av*

Why are we fasting? Why was the Temple destroyed? The Talmud (BT Yoma 9a) wonders about this very issue. The *Gemara* suggests that the destruction of the first *Beit Ha-Mikdash* resulted from the violation of a familiar threesome of sins: worship of deities other than G-d, sexual immorality, and murder. Elsewhere in the Talmud (BT Sanhedrin 74a), these same three acts are listed as the only sins for which a Jew must forfeit his or her life rather than violate them. It is not surprising, therefore, that consistent infringement of these prohibitions by the Jewish people warranted a punishment, even one as severe as exile.

The second *Beit Ha-Mikdash*, was destroyed as a result of the wanton hatred and insensitivity of each individual Jewish person toward his or her fellow Jew (also in BT Yoma 9a). The Talmud (BT Gittin 55b), in fact, elaborates on one case of insensitive behavior during the first century, that of “*Kamtza U’Bar Kamtza*,” which appeared to be insignificant to those involved at the time. This single event turned out to be the fateful moment that ultimately triggered the second destruction and the current exile and dispersal of the Jewish people.

In addition to the “famous” reasons cited above, the Rabbis give a number of other explanations for the two destructions. During the end of the Second Temple era, Torah scholars refused to say the blessing on Torah study. (BT Nedarim 81a) Year after year, Jews ate *chametz* on Passover (*Eichah Rabbah* 1:3) and regularly failed to recite the *K’riat Shema*. They did not observe Shabbat properly, did not send their children to school to learn Torah, acted without shame, did not rebuke one another for their immoral acts, and disrespected their Torah scholars. (BT Shabbat 119b)

Each of the above reasons teaches an important value, and much work needs to be done within the Jewish community to improve religious devotion, marital commitment, and interpersonal relations, all of which we failed to maintain during the era of the *Beit Ha-Mikdash*. However, there is yet another explanation given for the *churban*, one which is hardly ever mentioned among the values that we failed to maintain during the Temple era. In chapter 7 of the book of Zechariah, the Jews who had returned to Biblical Israel from Babylon sent a messenger to the prophet Zechariah to ask him if it was still necessary to fast during the fifth month (*Av*) now that they had returned. They assumed that fasting was simply a way of mourning for the destruction. Quoting the word of G-d, Zechariah responds that rather than complaining about the fast, they should be listening to the incessant warnings that the prophets during the first Temple period had provided. “Execute true judgment, and show mercy and compassion to every man to his brother; and do not oppress the widow, nor the orphan, the stranger, nor the poor; and let none of you plan evil against his brother in your heart.” (Zechariah 7:9-10)

Zechariah notes that precisely because they did not listen to these commandments during the first Temple era, they were exiled, and the land was left desolate for the previous seventy years until their recent return. In other words, it is because they did not heed G-d’s call to fight for the oppressed, to stand up against injustice, to exhibit sensitivity and a sense of religious commitment to the underprivileged individuals in their society that the first Temple was razed. As Rabbi Moshe Alsheich, a 16th century Kabbalist and biblical commentator, points out, Zechariah is saying that the fast of *Tisha B’Av* is not simply meant to serve as a day of mourning for the Temple and for the lives that were lost during the destruction. We fast on *Tisha B’Av* because we still have not improved; we still have not strived to our fullest capacity to achieve real equity and justice.

There is so much that needs to be done for the poor in our own neighborhoods, both within the Jewish community and without. The Metropolitan Council on Jewish Poverty estimates that there are nearly 250,000 Jews in the New York area alone living below the poverty line. In New York City, there are 1.7 million people that live below the Nation Poverty Guideline. According to the NYC Department of Homeless Services, 7,907 families with children, 1,281 adult families, 8,211 single adults, and 36,270 total individuals are homeless in New York City. Over 3 billion people worldwide live on less than \$2.50 a day. Half of the world’s children, one billion of the planet’s 2.2 billion children, live below the international poverty line. 1.4 million children die every year from lack of safe water and poor sanitation.

There are many ways in which we can make a difference for these people, and we have already begun to do so. The total number of soup kitchens in the US has increased dramatically in the last 30 years (from 60 to 1,000 in NYC alone). In particular, Masbia, an ultra-Orthodox run food kitchen, has made it their mission “to feed hot, nourishing kosher meals in an organized fashion to anyone in need – hungry, poor, young and old.” Every year, Midnight Run sends out 1,000 relief missions, consisting of vans packed with food, clothing, blankets and personal care items to distribute to homeless individuals on the streets of New York City. Corbin Hill Farm specializes in the needs of low-income communities living in “food deserts,” providing inexpensive, fresh produce to hundreds of New Yorkers each season. There are hundreds of other organizations that help the many who need a helping hand and the numbers are growing. It is incumbent upon us all, says Zechariah, to discover how each of us is able to participate.

We, as Jews and as Americans, have done much and, yet, have so much work left to do. As Rabbi Tarfon says, “While it is not on you to complete the task, you are not free to pause from it.” (M Avot 2:21) If we take this message of *Tisha B’Av* with us and translate our mourning into a meaningful call to change ourselves for the better and to make change for the many who need our help, hopefully, the day we experience as a fast this year will next year be “to the house of Judah, joy and gladness, and happy festivals - [on the condition that] you must love and follow truth and peace.” (Zechariah 8:19)

FURTHER RESOURCES:

Midnight Run: In over 1,000 relief missions per year, Midnight Run volunteers from churches, synagogues, schools and other civic groups distribute food, clothing, blankets and personal care items to the homeless poor on the streets of New York City. www.midnightrun.org

Masbia: Chassid-managed soup kitchen in Brooklyn, NY. Looks and feels like a restaurant but the food is free and the customers sometimes need not just food but someone to talk to. www.masbia.org

Corbin Hill Farms: A network of locations for people to buy “farm-shares”, fruits and vegetables from local farms, purchased a week in advance, which also include investment in the farm itself, empowering the people who buy shares. This helps alleviate food desert problem and empower low-income families. <http://www.corbinhillfarm.com/farmshare.html>

The Water Project: Their mission is “to provide clean, safe drinking water to poor communities by connecting donors to proven partners who are drilling fresh water wells, providing sanitation and hygiene training, and constructing other sustainable water projects.” <http://thewaterproject.org/>

Kiva: “A non-profit organization with a mission to connect people through lending to alleviate poverty. Leveraging the internet and a worldwide network of microfinance institutions, Kiva lets individuals lend as little as \$25 to help create opportunity around the world.” www.kiva.org

NEXT STEPS:

- Volunteer at Masbia. They are always looking for volunteers to help prepare and serve food.
- Organize a group to do a Midnight Run. It’s fun, meaningful, and you will meet so many amazing people. Go to www.midnightrun.org.
- Post the websites and information about Masbia, Corbin Hill Farms, Midnight Run, etc. on your Facebook wall to raise awareness and help fundraise.

by JASON STRAUSS

The Pursuit of Justice in an Unredeemed World: Politics and *Halachah* in the Political Theory of Maimonides and Rabbi Nissim Gerondi (*Ran*)

by RABBI ARI WEISS

The destruction of the first *Beit Ha-Mikdash* in 587 BCE became the occasion for intense critical reflection on the nature of justice. The dominant response of *Eichah*, “the Lord is righteous; for I have rebelled against His word,”¹ fits the dominant theme of biblical justice, namely, *the moral order determines reality*. As Rabbi Ammi said, “There is no death without sin, and there is no suffering without iniquity,”² and if the Jewish people suffer, the cause must be sin.

This conventional metaphysical formula strains when it is forced to confront the hard, empirical reality that suffering and bliss are not necessarily consequences of religious or moral virtue. In tension with *Megillat Eichah*, discordant responses have reverberated throughout the contemporary Judaism of its day. The prophet Ezekiel records a popular proverb, “The fathers have eaten sour grapes, and the children’s teeth are set on edge,” likely serving as an allusion to the growing frustration of the second generation of exiles being punished for their parents’ sins, not their own.³ Perhaps most striking is Jeremiah’s searing questioning of the possibility of justice and its application in the world, “You will win, O LORD, if I make claim against You, yet I shall present charges against you: Why does the way of the wicked prosper? Why are the workers of treachery at ease?”⁴

Even in our world of *hester panim* (God’s hidden face, or presence) our need for justice persists. An amoral world devoid of justice is intolerable and inconceivable. Correlate to the absence of God’s presence in the world, humans find themselves responsible for assuming the divine role of justice, despite the imperfection of their results. Still, questions remain: How? And by whom?

Such problems were taken up in the systematic political philosophy of the *Rishonim*. The Rabbis assumed that the need to create a society aligned with the mandate for justice, as enforced by the institutions of the state: *Halachah* (law), the judiciary, and the monarch. Rambam and Rabbeinu Nissim of Gerondi, otherwise known as the *Ran*, both present an account of how political authority can and should assume the divine mandate of creating a just society. In doing so, they add an additional dimension to justice: what is the purpose of life and how can society be constructed to achieve this goal.

Perhaps the most sustained reflection on justice, *halachah*, and the meaning of life can be found in *The Guide of the Perplexed*, Rambam’s 12th century philosophical masterpiece. Maimonides presents his thoughts about justice through an analysis of the relationship between the imagination, law, and politics. Rambam begins his discussion by quoting Aristotle (anonymously), that “man is political by nature, and thus it is his nature to live in society. He is not like the other animals for which society is not a necessity.”⁵ Given that it is human nature to live in society, and that there is a wide range of difference among people, the only way for society to attain perfection is through good governance. Rambam writes that through governance, “a ruler gauges that which is excessive, and prescribes actions and moral habits that all of them must always practice in the same way, so that the natural diversity is hidden through the multiple points of conventional accord and so that the community becomes well ordered.”⁶ Through this process, Maimonides claims, law, which is artificial, “enters into

what is natural”⁷ and orders it. Law is necessary so that the natural diverse public can tolerate one another.

Having examined the need for law, Rambam believes that the *telos* (goal) of law is the creation of a just society, a goal achieved through the abolition of injustice and oppression, which are the only condition that truly enables the pursuit of happiness. As opposed to law, Divine Law aims higher. In addition to creating a just society, it must perfect the soundness of beliefs and correct opinions about God. It so happens that Torah fits the description of Divine Law: it creates a just society as well as one which accepts the correct opinions about God.

What emerges from Rambam’s description of the convergence of governance, Law, and the Torah, is that the Torah is primarily pedagogic. The Torah is divine Law; following the laws of the Torah lead to the best possible life since it leads humans to their true perfection. Before that true perfection is reached it is first necessary to create the just society. In this sense the laws of the Torah are intensely political; their purpose is to serve as a blueprint as to how to structure society and the moral self. In fact, Maimonides devotes a sizable section of the *Guide’s* third volume to detailing the political and moral purpose and function of the commandments. Politics is religious, and religion is political.

In his writings, *Ran* radically differs from Rambam on almost every aspect of the account described above. *Ran’s* account of the political order is briefer than Rambam and is detailed primarily in the eleventh chapter of his *Derashot*, a collection of philosophical sermons. In the beginning of his exposition, *Ran* begins his exposition by describing politics

as purely functional. In language that foreshadows Hobbes' infamous adage, that life, in a state of nature, is "solitary, poor, nasty, brutish, and short"⁸ Gerondi writes,

The human species needs magistrates to adjudicate among individuals, for otherwise "men would eat each other alive,"⁹ and humanity would be destroyed. Every nation needs some sort of political organization [*yishuv midini*] for this purpose, since – as the wise men put it – even "a gang of thieves will subscribe to justice among themselves."¹⁰

In addition to simply being part of the human species, the Jewish people require a second justification for governance, namely, "To uphold the laws of the Torah and punish those that deserve flogging or capital punishment for disobeying these laws,

our nation and [make it] cleave unto us."¹² The performance of the commandments, then, has a metaphysical *telos*, and the way to effect this divine effluence is to, "appoint magistrates and officers [that are able to] judge the people by just law."¹³ However, since the appointment of judges is to make the divine present and not to perfect the political order, they are bound by all the conditions of the commandments even if their performance harms the political order.

To illustrate this point, Gerondi quotes a sympathetic passage in the Talmud, which promotes a compatible idea. "Our Rabbis taught [the following is asked of a witness in a capital case]: Do you know him?... Did you warn him? Did he confirm your warning? Did he accept his liability to death? Did he commit the

to "punish so as to enhance political order [*tikkun seder medini*] and in accordance with the needs of the hour,"¹⁷ which, for Gerondi, is located in the institution of the king. His laws, decrees, judgments aim at this political objective alone; their *telos* is not to effect divine effluence and is not bound by the limits imposed on *beit din* (Jewish courts). To uphold the political order, the king is allowed to annul the commandments of the Torah to address the needs of his time.¹⁸

In creating a realism not bound to idealistic notions of justice, the *Ran*, as the Israeli scholar Menachem Lorberbaum notes, radically re-orientes the Jewish political sphere. In secularizing the Jewish political tradition, *Ran* argues that, "politics is recognized as a non-theocratic, this-worldly activity geared to the better

“An amoral world devoid of justice is intolerable and inconceivable. Correlate to the absence of God’s presence in the world, humans find themselves responsible for assuming the divine role of justice, despite the imperfection of their results. Still, questions remain: How? And by whom?”

even if their transgression in *no way undermines political order.*"¹¹

In his narrow definition of politics as the means necessary to ensure the social order, *Ran*, in a significant departure from the Maimonidean political tradition, makes the claim that certain commandments are not within the bounds of the political sphere. He further argues that the purpose of all the commandments, be they judicial, ritualistic, or cultic is to effect the "appearance of the divine effluence (*shefa*) within

murder immediately? Etc."¹⁴ According to *Ran*, all these questions are necessary to fulfill the conditions of just law, as *Ran* writes, "... why should a man be put to death unless he was aware that he was committing a capital offense and [nevertheless] transgressed?"¹⁵

Ran is fully aware that neutering political authority would lead to an "increase of murders in Israel"¹⁶ and thereby undermine the political order, which has the primary concern of ensuring rule and order. Hence, an additional agency is necessary

ordering of human society (*tikkun medinah, siddur medinah*), and humans are recognized as competent political agents."¹⁹ In many ways, *Ran*'s political theory serves as a precursor for the modern liberal-democratic state, where the good is seen as "value neutral." The king's judgment, like that of the modern politician, is informed by tradition and religion but not bound by them.

Rambam and *Ran* both present a conception of Torah based politics that aims at creating a just society. Both accept that it is up to human

actors to create this society; and after the destruction of *Beit Ha-Mikdash*, neither believe that justice should be left to God alone. For all the similarities, there are several key divergences. *Ran's* politics is ultimately secular; he dirempts the laws of the Torah from political life. The Maimonidean state is not neutral on what the good is or should be; it has a very real purpose - the perfection of the body-politic as a condition for the perfection of the soul.

Twenty-five hundred years after the fall of Jerusalem, we are still be-reft of a world in which God impale-ments justice in the world. Even so, our need for justice still remains. For all their disagreements, Rambam and *Ran* envision alternate frame-works that each empower us in dif-ferent ways to create a just society based on the wisdom of the Torah, a project that is especially relevant in this broken world, tragically full of suffering and oppression, which we currently inhabit. ■

- 13 Deuteronomy 16:18.
- 14 Gerondi, 157.
- 15 Gerondi, 157.
- 16 M Makkot 1:10.
- 17 Gerondi 156.
- 18 Gerondi 160.
- 19 Menacham Lorberbaum "The Prince of Politics" in *The Jewish Political Tradition Volume 1: Authority*, ed. Michael Walzer, Menachem Lorberbaum, Noam J. Zohar, co-ed. Yair Lorberbaum, (New Heaven: Yale University Press, 2000) 162.

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- 1 Lamentations 1:18.
 - 2 BT Shabbat 55a.
 - 3 Ezekiel 18:1.
 - 4 Jeremiah 12:1.
 - 5 Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago: University of Chicago Press, 1963) *Guide* 2:40, p. 381.
 - 6 *Guide* 2:40, p. 382.
 - 7 *Guide* 2:40, p. 382.
 - 8 M Avot 3:2.
 - 9 See Plato, *Republic* 351c.
 - 10 Nissan of Gerondi, "Derashot 11," in *The Jewish Political Tradition Volume 1: Authority*, eds. Michael Walzer, Menachem Lorberbaum, Noam J. Zohar, Yair Lorberbaum (New Heaven: Yale University Press, 2000) 156.
 - 11 Gerondi, 160.
 - 12 Gerondi, 158.



[In]Justice of Silence: Lessons from *Tisha B'Av*

First they came for the communists, and I didn't speak out because I wasn't a communist. Then they came for the trade unionists, and I didn't speak out because I wasn't a trade unionist. Then they came for the Jews, and I didn't speak out because I wasn't a Jew. Then they came for me and there was no one left to speak out for me. -Martin Niemöller

Many are familiar with the above quote, which starkly describes the passivity that tragically characterized the Holocaust. We see that silence, when justice is needed, is not only morally problematic but can have mortal consequences as well. In fact, our tradition implores us to not let this happen, "*tzedek tzedek tirdof*" - justice justice you shall pursue. (Deut. 16:20) Many of us may also be familiar with this idea. We are not told that there must *be* justice; we must *pursue* justice.

Why is the word justice repeated? The surface explanation is that repetition provides emphasis: Justice - Justice you shall pursue. However we mustn't stop there. If we look deeper we will discover that even our pursuit of justice must be tempered with justice. Rabbi Eliyahu Meir Bloch of the Telz Yeshiva saw the verse in exactly this way, "*with* justice you shall pursue justice." Yes, we are commanded to speak out against injustice and to raise our voices for those who cannot be heard. We must strive to ensure that the silence that characterized the Holocaust never happens again. But we must also remember, as Rav Bloch stated that, "the pursuit of righteousness must be pursued *with* righteousness."

There are unjust ways to pursue justice. We need only look back to our own history. The Babylonian Talmud explains in *Yoma*, 9b that even with the positive attributes of that time there was rampant hatred without cause, *sin'at chinam*. This is a powerful lesson about understanding and respecting our fellow regardless if we agree with her or not. However, as with our earlier source, if we dive deeper we can add another layer to the story.

This baseless hatred among the various sects of the Jewish people is often compared to racism, sexism, classism, etc. It is true that these forms of prejudice and hate are without cause, most would say, but *sin'at chinam* in our context does have a cause, zealotry. Each sect fought for what they saw as right and just. Whether it was the authority of the scholars, the autonomy of the people, or a powerful devotion to purity, each group had a base which they were fighting from. Where they erred is by not remembering to pursue their just, righteous causes (from their perspectives) with justice and righteousness. Rather, they pursued them with scorn and derision, and their justice was unwarrantedly transformed into hatred.

As *Tisha B'Av* approaches, and we prepare ourselves to remember all the tragedies that have befallen the Jewish people, let us also remember how to prevent similar tragedies and take an active role in filling the world with justice. Speak out against those in our communities who have committed the injustice of silence in matters of child abuse, domestic violence, and discrimination. Create a petition, educate your community, and publicize to our brothers and sisters that there are grave injustices occurring within not only the Jewish people but the global people. At the same time, we must only take action with the justice of silence and recognize that the *people* whom we might fight against are still our fellow Jews and our fellow human beings. Carry out the pursuit of justice, but only when it is pursued with justice.

It has been told to you what is good and what God wants from you - only to do justly, to love kindness, and to walk humbly with your God. (Michah 6:9)

May God console us among the other mourners of Zion and Jerusalem...and all those who suffer in our world.

by DAVID BOOKBINDER

Rav said:

a poet must fix himself
on a single object

if his song
is not to be

rusty.

Rabbah countered:

a rustless song
is like a mouth

without a tongue.

Thus, the sages remarked:

a poem without noise
is like analogy
without difference.

No, said Abaye:

A poem without fixture
is like a light
without somewhere
to infuse.

Teiku.

It is taught:

Rav wandered for ten years
In search of a quiet place.

When he returned,
he was dizzy
and unable to read.

When they asked him if he had found what he had
sought,
he shook like a house of prayers.
They didn't want to press for fear he would collapse.

Of him it is said,
“The King is crushed beneath his own palace walls.”
And some add, “the line between faithfulness
and obsession is as erratic as the line between
levity and wisdom
is faint.”

by ZOHAR ATKINS

Creating a Responsive Personality: The Laws and Values of *Tisha B'Av*

by SHIRA HECHT-KOLLER

T*isha B'Av* is the national day of mourning, the day on which all of us are, so to speak, sitting *shiva*. Like an individual mourning the loss of a close family member, we do not bathe, we do not sit on real chairs, we do not care for our physical bodies. We are supposed to be too consumed with our loss to tend to such mundane matters.

Rabbi Joseph B. Soloveitchik observed that although *Tisha B'Av* is parallel to the *shiva* period of mourning, the structures of ritual within which the two mourning experiences are embedded are inverted mirror images of one another. The individual mourner is plunged into a state of helplessness immediately and naturally by the loss of his or her loved one. *Halachah* does not have to induce the mourner to feel the loss, for that feeling is intense and unavoidable. On the contrary, *halachah* has to encourage the mourner to emerge from that sense of loss. After the seven days of *shiva*, the mourner is obligated to enter a secondary, less intense period of mourning, *shloshim*. Here he or she may not cut their hair and may not formally launder their clothing. Finally, for a parent, the mourner enters an even less intense stage after the first month; for the remainder of the year, they

spondence. Stage by stage, she or he has been brought back within the fold of the community and is able to participate fully in communal life.

This is for new *aveilut* – what the Talmud calls *aveilut hadashah*. Our mourning for the loss of the Temple, however, is *aveilut yeshanah*, “old mourning.” Here, the *halachah* knows that if we were left to our own devices, we would be hard-pressed to feel any sense of loss at all. The mourning process is, therefore, reversed. We begin to talk about the loss on *Shiva 'Asar b'Tammuz*, a full three weeks before *Tisha B'Av*. The mourning ritual begins at the beginning of *Av*, with a suite of practices parallel to the year of mourning: restricting “planting and building, betrothals and marriages.” (BT Yevamot 43b) In the week of *Tisha B'Av* itself, mourning intensifies; we now enter a period parallel in its practices, and its intensity, to the *shloshim* following the loss of a family member. Haircuts and washing of one’s clothes are forbidden.

Finally, we arrive at *Tisha B'Av* itself. Here we are subjected to all the restrictions of the week of *shiva*. (Technically, not all the restrictions are parallel; the few exceptions are due to the differences in substance

neously experience the loss of the Temple and the concomitant emotional state of crushing loss, the *halachah* is constructed to *create* that sense of loss.¹

In both the case of the individual mourning the loss of a family member yesterday and the case of the community mourning the destruction of the Temple 1,932 years ago, *halachah* has goals for the emotional states of the mourners. It is not content to simply let the mourners experience what they will, both to ensure that the depression and despondence do not overwhelm the mourners and preclude a return to normal life and to ensure that the loss is adequately felt and appropriately commemorated.

There is an insight the *halachah* shares with modern scientists, in this and many other cases. It was expressed concisely more than a century ago by William James, “We feel sorry because we cry, angry because we strike, afraid because we tremble, and not that we cry, strike, or tremble, because we are sorry, angry, or fearful, as the case may be.” (*The Principles of Psychology* [New York: Henry Holt, 1890], 2.449-450) Today we have more data that complicate this theory but confirm the core insight: our ac-

“Even when we do not immediately feel the moral outrage at injustice that perhaps we should, performing social justice can lead us to be more acutely sensitive to the problems our world faces and to the solutions available to us.”

avoid overt celebrations and public rejoicing. By the end of the year, *halachah* feels confident that the mourner can emerge from their de-

between personal and communal mourning.) Rather than expecting that the mourners – in this case, the entire community – will sponta-

tions can create emotional states. This approach already animates the *halachah*, and is an important principle in constructing our own ac-

tions and personalities. The goal of *halachah* is to create a personality that responds emotionally and the legislated actions are the means by which this is accomplished. In order to do so it imposes concrete actions that create an emotional state that in turn forges a personality animated by values.

Not always is it the case that we will respond instinctively to violations of the right and the good. Often, in our natural states, we prefer to sit idle even when we know wrongs are being committed, for various reasons. We may be fearful of overreacting, and tell ourselves and others that the situation has to be given more time to work itself out. We may believe, or wish to believe, that others are better positioned to address the problems. We may have more pressing things

to do.

It is also possible, however we may not wish to admit it, that we have not fine-tuned our characters and our personalities sufficiently. Most of us are not fortunate enough to be born righteous, but we all aspire to create righteous personalities within ourselves. From the system of *aveilut* created by the *halachah* leading up to *Tisha B'Av*, we learn how to do this. Our emotional reactions and our experiential lives can be crafted by acting in the way we wish to intuit. Even when we do not immediately feel the moral outrage at injustice that perhaps we should, *performing* social justice can lead us to be more acutely sensitive to the problems our world faces and to the solutions available to us. By practicing actions that reflect our aspirations, even if not our current

feelings, we can create personalities that are suffused with perfected sense of justice and ethical propriety. And by creating a society where social justice is the norm, we can continue the slow march towards shaping a more sensitive, caring, and just humanity, truly in the image of God.



1 These insights were presented by Rabbi Soloveitchik at a lecture to the Rabbinical Council of America in June of 1969, and were later published in his posthumous book, *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition* (ed. David Shatz, Joel B. Wolowelsky, and Reuven Ziegler; New York: Toras hoRav Foundation, 2003), 9-30.

Visa

Esther fasted three days before opening
the door of the King's room
praying that her unauthorized entry
be taken in stride.
That became Purim.

I once fasted through
a long summer day
before getting in line
at the American Embassy in Kiev
where I returned to renew my expired visa.

I thought the Purim night
just half year prior, when
I was stopped
in West Village
by undercover gents
for smoking a festive joint.

Getting in line at the embassy
(it forms at sunrise)
I laid *tefillin* asking
that the manila folder bearing my name
stays with the local
New York bureaucrats and
thankfully it did, though what
I burned through
inside, standing on that line,
I couldn't bring myself
to tell you, King.

But, King Ahasuerus,
I could, tell you
about the afternoon I spent
at 27 Nablus Road in East Jerusalem
at the American Consulate where
I needed to renew yet again
the only place in the universe
I've seen Jews and Arabs praying
in the same room –

above their heads
on synced television screens,
cartoons of matchstick people
signing papers and carrying suitcases, while
a slow, deliberate voice
tells everyone that lying
could lead to deportation and
how only a very, very small
percentage of applicants are granted entry.

by JAKE MARMER

Crying in the Night, Crying in the Day

by DAVID ZVI KALMAN

The essence of human feeling bursts forth not in words but in noise. Joy is betrayed by laughter; rage by screams. The sin of the golden calf was betrayed through sounds of elation; (Exodus 32:18) Moshe understood it even before the spectacle came into view.

Eichah is purest in its weeping and sighing, two sounds, forlorn and discordant, set against a backdrop of nameless destruction. It is precisely this anonymity which gives lament its contagious character, like a skeleton key straight into the heart of every woman and man. The light of context — the words and pictures — cannot be so easily shared. We cry together best when we cry in silence, in darkness.

These two kinds of weeping — blind and seeing, at midnight and noon — are in play.

“[She sorely weeps] at night” (Lam. 1:2). Why at night? Because voices don’t travel well except at night; it therefore says “night.” Rabbi Aybu said: Night carries lament with it.

There was once a woman who lived near Rabban Gamliel. She gave birth to a premature son who died, and she would cry over him at night. When Rabban Gamliel would hear her voice, he would remember the destruction of the Temple and cry with her until his eyelashes fell out. When his students learned of this, they got up and evicted her from the neighbourhood. (Midrash *Eichah* 1:24)

As night falls, so too, do the details of our strife; only the pain itself can reach across space. In the night, when the world’s fineness is not within easy access, essentials roam the earth and in the hearts of mortals transform. In the night, the woman and the rabbi weep together in sympathetic resonance. In the

“Let us dream that a day full of such conversation will, at nightfall, become an evening of consolation, expressed in murmurs and soft whispers.”

night, the mourning mother emerges as *Eichah*’s weeping widow, a living metaphor, for a few dark hours.

But living metaphors can hurt. We do not know what weeping secrets were unlocked in the students’ heart — were they, too, laid bare by the naked sound? — but at the falling of their teacher’s eyelashes, something had to be done. Nighttime vibrations do not cease at dawn; without the lashes’ protection, the day’s images turn Rabban Gamliel’s eyes red. Naked, wordless emotions can make the world a harder place to live if they are not checked; we can only handle so much buzzing in our ears. We must sometimes sacrifice our nighttimes of mourning for the sake of the dawn. Sometimes it is good to speak, to see, to act.

But the voices never leave; they simply become more remote. Listen carefully to the room you are in, the sounds grabbing at your eyelashes. Listen to your hollows, to the noises which are waiting to be set off. Listen, Israel. God.

The students rose with the dawn and removed the woman, a daytime solution for a nighttime problem. Sometimes we can spend entire days like such students, keeping from our earshot everything of sincere sound, so that in our nights we are not reminded of the things which make us weep. Entire relationships falter for lack of comfort with silence.

But the night’s tears can be liberating, too, in that moment when we realize that so many cries sound the same. The varieties of indigni-

ty are finite, as are the degrees of mourning, however severe. When the dawn breaks and we look across the street to the mourner opposite us — perhaps this time we will hold back the students and first have a conversation. Let us dream that a day full of such conversation will, at nightfall, become an evening of consolation, expressed in murmurs and soft whispers.

But let us have day-dreams, too. Daytime is not for consolation but liberation; for acting on the universality of pain and breaking down the day’s barriers. We were slaves once; there are still slaves today, twenty million of them, mostly women and children. The cries do not change; only the faces do.

We prioritize suffering much more than we should; we choose whose cries are a nuisance. In the United States, so many cries are so far away that they never make it to our ears or Twitter feeds. We must gather the cries that we can no longer hear, the human voices from the four corners of the earth.

This *Tisha B’Av*, let us look for one other person to cry with. In the darkness of the night of the ninth, after *Eichah* is read, I challenge you: find someone who cries like you from a place totally foreign to you, and then speak until they become more familiar; with the following night, your two voices may be in more harmony, and you may be at less of a remove. When we gather sparks like this, Rabban Gamaliel’s cry — over Jerusalem, today a city of competing cries — is closer to being answered. ■

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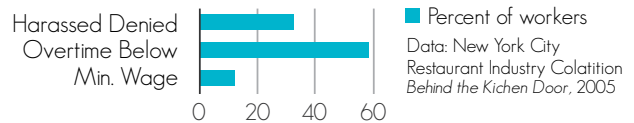


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