



SOCIAL JUSTICE TORAH COMMENTARY

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Joshua Holo: Welcome to the College Commons podcast, passionate perspectives from Judaism's leading thinkers, brought to you by the Hebrew Union College, Jewish Institute of Religion, America's first Jewish institution of higher learning. My name is Joshua Holo, Dean of HUC's Jack H. Skirball campus in Los Angeles, and your host.

JH: Welcome to this episode of the College Commons podcast, where we're going to be able to join a conversation among colleagues and friends of mine who have participated in producing the social justice Torah commentary, which is coming out this year, 2021 from the CCAR press. We're going to speak with the Commentary's Editor, Rabbi Barry Block and two of its contributors, my friends and colleagues, Dr. Kristine Garroway and Rabbi Naamah Kelman. Rabbi Barry Block serves congregation Bnai Israel in Little Rock, Arkansas. He is the editor of The Mussar Torah commentary, which came out from the CCAR press in 2020, and was a finalist for the National Jewish Book Award. He currently serves as a vice president of the CCAR. And is a regular contributor to the CCAR, journal. Barry it's great to have you, thank you for joining us.

Barry Block: Thank you. Thank you for having us.

JH: Dr. Kristine Henriksen Garroway was appointed visiting assistant professor of Bible at HUC's Skirball campus in Los Angeles in 2011. She received her doctorate in Hebrew Bible and Cognate studies at HUC Cincinnati in 2009. And she is a widely published author in popular and scholarly venues, including children in the ancient near eastern household, growing up in ancient Israel, and the cult of the child, the death and burial of children in ancient Israel. Which is forthcoming from Oxford University Press. She is the recipient of the biblical archeological society's 2019 publication Award for the Best Book relating to Hebrew Bible. Kristine, thank you for being here.

Kristine Garroway: Thank you so much for having me.

JH: The sign of 10 generations of rabbis, Rabbi Naamah Kelman, made her mark by becoming the first woman rabbi ordained in Israel. Indeed, she was ordained in 1992 at Hebrew Union College's Jerusalem campus, which she later joined on the staff in 1997, where she held various roles, including the Director of HUC's year in Israel program. And in 2009, she became the first woman Dean of the Jerusalem campus. She has raised the profile of liberal and Reform Judaism in Israel and the diaspora, and it's a pleasure to have you Naamah on the podcast.

Naamah Kelman: It's wonderful to be here. Broadcasting from Jerusalem.

JH: We're going to discuss the Social Justice Torah commentary, and it asks all kinds of questions about what the Torah has to say about social justice. We're gonna ask the editor, Barry Block and two of its contributors, Naamah Kelman and Kristine Garroway about some of the themes that emerge in the course of discussing Torah through the lens of social justice and so I'd like to begin with you Barry. In your introduction, you argue quite persuasively, I think, that Judaism is intrinsically political, a position that is in and of itself actually pretty controversial, especially today. Also, but less controversially, you teach us that Judaism is ethical. Now, ethics and politics are clearly not the same thing, but you seem to be saying that they intersect in the project of social justice, which is the engine for this commentary. And I wanna ask you if that is indeed the case, do you think that social justice lies at the intersection of ethics and politics?

BB: People often say Rabbis shouldn't preach politics, and I tend to agree with that because I define politics in that regard very narrowly, as advocating for or against a candidate. And speaking out for social justice is about how society ought to be properly organized to work for the benefit of all of its citizens, and particularly for those who have the least power and privilege and the least voice. And so, yes, I think that there is an ethical obligation on each of us to do our part to build a better future, to build a better society, and to build a better world, and that at a micro level, many of these social justice issues arise because of unethical behavior on the part of individuals, however, very often on the part of entrenched, unethical systems, systemic racism, to cite the most blatant. So the call for social justice is one that permeates Torah and is articulated by the prophet saying that society needs to be organized and individuals need to behave in such a way as to assure justice for every member of the society.

JH: I wanna focus on one aspect of systemic injustices, if you will, by talking about marriage and asking you Naamah about your contribution to this commentary, which focuses on marriage, but it's a Torah commentary. So you highlight, not surprisingly, the marriage between Isaac and Rebecca on the one hand, and Ruth and Boaz on the

other. And here's the point that I took away from your commentary, that the challenge of marriage in Judaism is the affirmation of women's agency, something I think we can say without being unreasonable, largely achieved in Reform Judaism, but not in orthodoxy, and not in Israel, where Orthodoxy governs marriage even among the non-orthodox. There is, however, at the same time in your piece, an undercurrent of another theme, which is that of love, love that is conspicuous in the cases of Rebecca and Ruth, which you cite. So I wanna ask you, what is the role of love in this work of affirming women's agency?

NK: Love in the Torah is not the kind of romantic love we think about... And I write about this in the article. It's what I like to call a redemptive love, redemptive with a small R and a capital R in both of their cases that. They were destined to find these life partners based on love, because their role is to ensure a legacy, a genealogy of redemption based on love. So we know that Rebecca is the source of Isaac's comfort. And this is the first mention in our Torah of a man loving a woman or two life partners, and she comforts him, and although the word love is not mentioned really in the Book of Ruth, it's just flowing with loving kindness, with chesed. We have to think about it that way. When love is about chesed, loving kindness and care and responsibility and taking care of the other and the stranger, and healing and comfort, it becomes part of what I think is one of the strongest messages of our Torah that we are a legacy, a tradition of redemptive love, and through redemptive loving kindness, we improve the world, we improve our community, and often it forms the basis of social justice. I wanted to add one other thing you asked Rabbi Block Barry about religion and politics are big crisis in Israel, is that religion and politics is completely enmeshed. But when you separate politics, when you separate them somehow love can conquer conflicts and jealousy. Again, if it's channeled to loving kindness.

JH: Kristine, you write about the divine imperative to stop wrongful convictions, Torah has an approach to living up to that divine imperative. So I'd like to ask you to tell us what we learn from Torah according to your commentary about Torah's living up to that imperative, but I'd also like to ask you as a second part to share your thoughts about how we today might live up to that imperative, given that human justice is as fallible as the humans who administer it, unlike the divinely sanctioned justice as promised by Torah from God.

KG: My contribution was from [Hebrew], and we see that the Torah is listing a bunch of different ways that the high priest can atone for various different things that Israel has done, and the Talmud goes and expounds on these and talks about murder, idolatry, sexual misconduct, and then does something really interesting explaining how each of

the priestly investments atones for one sin in particular. So we get also to hear a list of all of the different things that the priest puts on. And so the Talmud connects the two and notes that the tunic is for bloodshed, the pants for illicit sex, the MITRE for arrogance, and the Ephod for idolatry. But then it comes to the choshen Mishpat, and it says the high priest's breastplate of judgment atones for judgments, which seems strange, why would you need to atone for your judgment? And Rashi comes forth and says, "Aha, here, it's atoning for incorrect judgments." So in other words, the rabbi is understanding the Torah to say that even in the best case scenario, there's error in human justice, and they feared, and I think rightfully so, that miscarriages of justice in Israel would repel a just God.

KG: And indeed in the Book of Leviticus, this is a very important question, and something they expound on quite a bit, and they say, Well, if you are unjust and you break the covenant or laws or you are impure and you don't atone for these things, you're gonna get kicked out of the Promised Land. And of course, we all know that exile happens and leads to Diaspora. So this question is very much, I think, central to the way that ancient Israelites structure their society, they want to be a just society, and so they put in safeguards within their justice system to make sure that even human justice that is done in error would be fixed through the choshen Mishpat, so I think that answers the first part of your question.

KG: The second part of your question addressed what we can do today, and as I began preparing for this piece, I interviewed one of the lawyers who works for the Innocence Project, named Allen Talbert, and he is in Philadelphia. And I was asking him just to give me a sense of some things that are faced by lawyers when they go and work on different projects, and he noted and started giving me so much data, talking about the different ways that funding needs to happen and competent representation is really important. Fair trials are important as are reasonable sentences, and so in looking back and thinking about ways that this has failed in our own justice system, it's not because the American justice system, which is what I was writing about, is unjust or is not trying to do its best, but it's that in some cases, it fails.

KG: And so I write about different ways in which it fails, and I look at different false confessions that have happened, and it's really interesting to see that false confessions that have been overturned are mostly in cases of rape and murder for men, and in cases of drug crimes and family crimes for women, which are crimes that many times show the desire to convict someone just based on sex stereotypes. So cases wherein a child dies, a baby dies, and they interviewed the family members and the family members say, Oh, she was really fed up with being a mom, so somehow X leads to Y

and a woman is convicted even though there's no substantial proof that she did anything wrong. Cases like this have been taken up by different organizations such as Yeshiva University's Cardozo School of Law, the Bluhm Legal Clinic Center for Wrongful Convictions at Northwestern University and the Equal Justice Initiative, along with this is the Innocence Project.

KG: So different organizations like this are striving to be our modern-day choshen Mishpat. That we should have something that gives us a sense of checks and balances so that we can do our best when there is no modern-day choshen Mishpat, to bail us out.

JH: Before we return to the podcast, we wanna let you know about digital learning on the college Commons platform. Beyond this podcast, which is available to the public at large, check out the online courses at collegecommons.huc.edu for in-depth learning, digital syllabi, assignments, inspiration for teaching, and one of our most influential courses called Making prayer real. Subscribe with your synagogue for all this and more. Just click, sign up at collegecommons.huc.edu. Oh and one more thing, help us out and rate us on iTunes, but whatever you do, do not give us five stars unless we deserve it. Now, back to our podcast.

JH: I'd like to go around the horn and ask all of you about a critique of social justice current in the Jewish world today, while the four of us by virtue of being on this call and in this interview are bought into the value and the inspiration of Tikkun olam. Some Jewish thinkers see Tikkun olam as a reductive approach to Judaism that either diminishes our civilizations dimensionality and richness, or that abandons its distinctiveness, meaning that there's nothing uniquely Jewish about social justice. I wanna ask how each of you responds to this critique individually, and I like to begin with Naamah.

NK: Well, I think one of the things I tried to do in the article was ground social justice in our Biblical narratives and our Biblical values. It's true that Tikkun olam has become so inflated and overused, it's almost detached itself from what I think are deep biblical humanitarian roots and of world view that's not democracy. You can't say that the Bible promotes democracy and equality, okay social justice indeed does. How can we build the bridge from what clearly is such a passion, particularly of our young people to pursue social justice, how do we build the bridge to Jewish values and to our own particularity so it doesn't become so universal that we really don't need Judaism, and you find yourself identifying with other causes which are certainly very worthy, but find yourself detaching from what I think is so many Jewish causes and Kristine just talked

about this, how do we talk about safeguards? Checks and balances, that social justice Tikkun olam goes so far, feel that it loses its Jewish roots and literally grounded, and that's what I love about the Ruth and Boaz story and it's social justice literally grounded in the fields in the sides of the field and what's left over in the field to care for the poor, and the orphan. We have served as Jews, the Social Justice very well, when we have been very much part of the powerless, but what happens when you're the powerful...

NK: And that's Israel's greatest challenge. And again, back to the matter of marriage and divorce in Israel, we have a completely, I believe, monopolistic and corrupted system who denies particularly women, any agency in matters of divorce and limits them in marriage, and I think it's because politics is overwhelmed. What are deep Jewish values of justice and the agency of every human being.

JH: Barry I'd like to ask you in turn, what you make of the critique of the Tikkun olam as reductive.

BB: This book, social justice Torah commentary is intended as both a reputation and an antidote to that problem. And I wanna, first of all, say that the problem is legitimate, that there are plenty of people who speak out in the name of Tikkun olam in a very shallow way. Who will ground themselves in a very simplistic way on what I think are extremely important principles of the Torah, the B'Tselem Elohim, and that we're all created in God's image. Tzedek Tzedek Tirdo... Justice, Justice, shall you pursue. And remembering even stranger, for we were all strangers in Egypt, but without digging very deeply into what those principles are all about, and without digging more deeply into torah at large to make authentically Jewish social justice arguments. So the driving force behind the social justice Torah commentary is not to have a chapter on marriage and divorce equality in Israel, and to have a chapter on preventing wrongful conviction as important as those are. Rather to invite authors, including these two scholars Naamah and Kristine to dig deeply into the Parshiot and the parsionute, the commentary of all kinds, and to make really strongly based Torah arguments for the social justice argument being made, so that the arguments are very particularly Jewish and emanating deeply from our tradition.

JH: Kristine, I'd like to hear your thoughts on the critique of Tikkun olam as reductive.

KG: I think one of the answers that I would go to, or that as I teach... When I teach the corpus of the navy in the prophets, especially the eighth century prophets, and there's a whole debate within the 8th century prophets, about whether or not you should do the things that the Torah tells you to do, I.e all of the Mitzvot. They have this trope where

God says, "Do I delight in your sacrifices, do I delight in the sound of the animals bleeding, do I delight... In all of these things that God had asked, and the answer is straight up, "No, I don't,"

KG: Which seems completely contradictory to... You imagine the ancient Israelite and you imagine the modern reader, we're like, "Well, but it says in all of the laws that we're supposed to do these things." We're supposed to be this just community where we do all these things. And the critique that the eighth-century prophets are offering is that you're not doing it with the right covenant, you're not doing it with the right intention behind it. So I think this might also go to this modern sense of social justice being reductive. We need to not only think about why we're doing the things that we're doing, but how we do them and the intent behind them, so that it doesn't become this rote action that is done like, "Oh look, everybody's going to the animal shelter to help the animals. Cool, I'm gonna go too." "Oh look, it's Green Day and we're gonna pick up everything." "Oh, it's Big Sunday, and we're gonna contribute because that's what the family is doing."

KG: But rather that we do it with a deep sense of intention and knowing exactly why we're doing what we're doing. And I think perhaps, as the others were saying, we can find a way to bridge that gap and make what we're doing, and work for Tikkun olam a little less reductive and more meaningful and Jewish.

JH: So I'm hearing from all of you, some interesting themes. First of all, Tikkun olam as a byword can indeed be reductive, but that's not the goal. The goal is something deep, textual, civilizational, but also spiritual. But I also hear a sub-text, which is that there is a counter-critique, namely rote performance of Mitzvot can also be reductive, and so that there's some kind of depth that we achieve when all of the aspects of our civilization and our heritage are lived up to the best of our capacity. I think that's a pretty compelling message to receive from our rabbis and scholars such as you. I'd like to close out by asking you what has become one of my favorite questions, which is, where were the surprises in compiling and researching for this book? Barry, what took you by surprise?

BB: There was one surprise after the next, and pleasant ones, and extraordinary, thoughtful Parshat Noach that I would never have considered. Our colleague, Rabbi Reuben Zellman writes this extraordinary piece on Parshat Ki Teitzei, about the potential of people who are released from incarceration, who've been imprisoned. And the text he uses is Joseph and the Cupbearer, and looking at both of them as previously incarcerated people. Now, there's an example of something that seems obvious, but it should be obvious, but I never thought of it before. And the depth to which he goes to

make this argument about how we ought to ensure that the possibilities for previously incarcerated people in our world is really extraordinary. And then I would say that the biggest surprise of all is that I had received a really terrific piece from Rabbi Jill Jacobs on Parshat Nahar, about the occupation. That was not a surprise. And then there was no piece on advocating for the State of Israel as a social justice imperative.

BB: So I specifically asked Rabbi Jeremy Barras to write something. And it happened, Parshat Lech-Lecha had come open. So each of them writes based on the parshat assigned, and yet each of them also turns to a separate verse in neither of their parshat which talks about how the land will vomit out its inhabitants if they're not faithful, if they're not ethical and moral. And they make almost opposite arguments based on the same text, in which Rabbi Barras is arguing that Palestinians will be vomited out of the land if they don't behave morally, and Rabbi Jacobs argues that the Jewish people could be vomited out of the land if we don't behave morally and ethically in [Hebrew] Israel. And it's just sort of amazing to have two opposing arguments based on a verse of Torah that was in neither of the portions that they were assigned.

JH: Naamah, What surprised you when you were writing your contribution?

NK: It's not a surprise, but I still can't believe that I live in a country that has a patriarchal, primitive system controlled by ultra-Orthodox rabbis who basically deem what I would call fit... Who's fit to marry each other in the sense, if you're a divorcee, you can't marry a Cohen, if you don't have a ghet, a recognized divorce, you can't marry anybody, and you're still chained, literally chained to your husband until he releases you. So in that sense, I'm sharing these beautiful love stories, the sense of redemption, they're almost Messianic, and what would it be like to live in a world of caring and loving, and seeing the humanity in the other?

NK: And this is pouring out of these biblical texts, and then I live in this reality that is really disturbing, and we still seem locked into this terrible system because of this corrupt system where the ultra-Orthodox party holds the keys to the coalition now. Maybe things will change, but in the meantime, things have changed in that the sense of that there's been a tremendous backlash from grassroots, including Orthodox and particularly Orthodox feminists that reject the rabbinate to have control over marriage. Divorce is a different problem and one way to get around that is that people not... Just simply not getting married. So in some ways, as I said, it's not a surprise, but it's almost every time I have to explain it to any kind of audience, I feel like, "How did this happen?" Or "why won't we live up to our greatest biblical principles and ideals that these stories set out for us?"

JH: The surprise here is that we need to constantly be re-awakened to the urgency of these issues, especially when Naamah raises the case of Israel. There is a surprising quality to it. And there's something equally surprising on the affirmative side, which is that these intimate relationships can indeed shape whole aspects of our social fabric in really compelling ways, so here's to the progress that you're achieving in Israel, and the urgency of the problems as well. Kristine, I'd like to give you the last word, and share with us something that surprised you, delighted you, challenged you in the course of researching and writing for this social justice commentary.

KG: The one thing that stood out to me was that, I'm writing about a social justice system, a justice system in America, a criminal justice system wherein it seems that everybody wants to help out and do the right thing. And in that desire to do the right thing and to bring justice to those who are wronged, sometimes it fails, so that even eye witnesses, they sometimes give false testimony, but not wittingly or knowingly. But I think the thing that was most surprising to me is the small things that can be done, like if you show someone a line-up with one person in it, "Did this person commit this crime?" The eye witness might say, "Yes." Whereas if you were to provide 20 people and have them pick out the person, they might not be able to say yes to any of those 20. At the same time, our society has a really difficult notion with the idea that we might be wrong, and that we might need to revisit convictions that were made, and that there is a sense of fallibility that we don't want to acknowledge. And I'll just share one quote from Judge Learned Hand, who wrote in 1923, "Our criminal procedure has always been haunted by the ghost of the innocent person convicted," which is something we're still working on today.

JH: Well, if nothing else, this incredible compilation of so many of our friends and colleagues and scholars whom we admire, this compilation reminds us of the urgency of the topic, and as Naamah pointed out, the utter rootedness of our concerns, and that it does belong front and center in our expression of our Jewish selves as a unique civilization in the human story, with something to offer. And for that, I wanna thank all three of you, editor, Rabbi Berry Block and the two contributors who joined us today, Dr. Kristine Garroway and Rabbi Naamah Kelman, all three of you, for such a wonderful conversation and for your participation in this book, which is available through all the usual channels, and I recommend it highly as a center piece for conversation and a guide post for our continued work in improving the world. Thank you all so much for joining me.

BB: Thank you.

KG: Thank you so much for having us.

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