

# Social Injustice: When Leadership Fails

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Before reading this essay, it might be helpful to take a look at these passages from Isaiah: 1:17-27, 5:7-9; 10:1-3; 58:6-9 and 59:3-9

If there's only one thing that becomes abundantly clear from reading Isaiah's words, it is that God cares deeply about the suffering endured by the weak at the hands of Jewish society's rich and powerful classes. But why? Why is this such a key focus more than, say, the *mitzvah* to love your neighbor, or than the related but distinct *mitzvah* to avoid spreading slander? What is it that makes social justice into a deal breaker?

## God's Moral Claims Against His People

To better grasp the problem of social morality from God's own perspective, let us enumerate at least some of the specific accusations that He, through the words of Isaiah, leveled against us:<sup>1</sup>

- Deceptive commercial practices. We tried to pass lower-value, silver plated coins as sterling; we improperly diluted expensive drinks (like wine). (1:22)  
Corrupt leadership. We tolerated or even appointed senior officials with connections to criminal gangs and whose main motivation was graft. The officials' constituents and their legitimate interests were the primary victims. (1:23)
- Inaccessible courts. Courts and other institutions that should have provided advocacy or at least a fair forum for the poor, instead indirectly discouraged needy litigants from initiating court action (in part through the existence of complicated and intimidating procedures). (ibid. See Rashi)
- Dishonest real estate practices. The powerful would use their wealth and influence to force weaker individuals to sell their property, often purposely buying adjoining properties and illegally moving boundary markers on multiple sides until what was left of the estate became too small to viably maintain. (5:8 - See Rashi)
- Fraudulent documents. Through the drafting and signing of false contracts and documents, specifically the poor and helpless were deprived of their legal rights. (10:1-2)
- Spending illegally obtained wealth. We used the proceeds of crime in (vain) attempts to buy our security through bribes paid to foreign powers. (30:12 - see Radak)
- Bullying. Powerful and well-connected individuals abused their natural advantage over their weaker opponents by bullying them into silence as their cases were heard in court. The poor, unable to hire advocates of their own, were thus usually unable to properly stand up for what was justly theirs. (32:7 - see Daas Sofrim)
- General oppression of the weak. The effects of financial and judicial abuse are depicted as forms of imprisonment for their victims (often, the poor are left trapped by very difficult circumstances, unable to break free of powerful bonds - Isaiah blames this on their oppressors). (58:6)

One should also see the Gemara (Shabbos 139a) which, based on Isaiah 14:5, sharply criticizes...

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<sup>1</sup> It should be noted that each of these claims would appear to reflect real-world transgressions. This isn't a checklist of theoretical crimes we should avoid, but very real crimes that had, to at least some degree, a significant presence in Jewish life.

- Jewish judges who allow themselves (מקל לחזניהם) to be used by their staff and handlers in order to facilitate their corrupt schemes...
- and prominent Torah scholars who strengthen and provide cover for the crimes of their corrupt relatives serving as judges (שבט מושלים).
- Alternatively (according to Mar Zutra), the verse could be referring to Torah scholars who support otherwise unqualified judicial candidates (דייני בור) on the mistaken assumption that they will consult authorities before rendering decisions in areas beyond their competency.

Working with each phrase from Isaiah 59:3 ("Your hands are stained with blood and your fingers with sin, your lips speak lies and your tongues crookedness"), the above Gemara then reports the opinion of Rabbi Shimon ben Lakeish:

- "Your hands are stained with blood" these are the (crooked) judges
- "your fingers with sin" these are the court scribes (who enable and perpetuate corrupt court decisions)
- "your lips speak lies" these are the advocates<sup>2</sup>
- "your tongues crookedness" these are the litigants (presumably the ones who initiate the corrupt court cases)

## What is Social Justice?

Over and over again, as we have now seen, the prophet admonishes his people over their neglect for others - especially others left vulnerable by difficult lives. Clearly, the problem is more than just a relatively isolated weakness in Torah observance (as we might classify a failure to properly observe the laws of, say, kosher food), but stands directly and violently opposed to everything that a Jew is meant to be.

Overwhelmingly, Isaiah's rebukes are delivered in concert with the words "justice" and "righteousness" - משפט וצדק. Before properly understanding the larger subject, we should see if we can't achieve a better understanding of these words themselves.

The verb "*shafet*" (שפט) means to *bring something to its proper place*.<sup>3</sup> Its noun, "*mishpat*" (משפט) is hence a process which seeks (to paraphrase Rabbi Hirsch) the satisfactory fulfillment of justified demands. In other words, a human being has a right to his lawful property, status and dignity. When he is illegally deprived of these possessions, he has the right to demand their return. The institution of *mishpat* - justice - is the tool through which his claim should be addressed.

The noun "*tzedeq*" (צדק), on the other hand, denotes the *place where things belong*. An act of "*tzedaka*" - righteousness - therefore, involves *acting as one should*; disposing of assets as God would have them disposed. Or, in Rabbi Hirsch's own words: "doing one's duty...in accord with the will of God...The fulfillment of the Torah...It takes into account the requirements, rather than merely the legal claims, of the person concerned."

Thus, *mishpat* acknowledges and promotes the legal rights of individuals when they come in conflict with each other or the state. While *Tzedaka* places the burden of Divinely-inspired perfection directly on the shoulders of each individual and each instrument of the state, regardless of the purely legal strengths or weaknesses of their opponents' claims.

These principles, *tzedeq* and *mishpat*, are what we mean by the phrase "social justice." Both of these together - the sense of responsibility towards the rights of our fellow human beings and the sense of obligation to the morality of God's Torah - form the only reasonable foundation for a Jewish

<sup>2</sup> See Mishna Avos 1:8 (יהודה בן טבאי אומר, אל תעש עצמך כעורכי הדיינים)

<sup>3</sup> This discussion is drawn from "Collected Writings of Rabbi Samson Raphael Hirsch" Vol IV, pp 69-70

community. Their absence is inherently corrupting of both communal and private life.

Now, in light of these *tzedek* and *mishpat* ideals, let's take another look at the prophet's particular criticism. Nearly all of the examples from our list above involve abuse of privilege: members of society's powerful classes seeking to enhance their own positions at the expense of the poor and weak. There can be no doubt that crime is wrong no matter who commits it and no matter who is the victim. The poor may no more expect a court to wrongly tilt justice towards them than the rich.<sup>4</sup> But, nevertheless, Isaiah largely ignores the Robin Hoods of the Jewish world. While they, too, may be reprehensible thieves, they are not guilty of quite such a grievous form of oppression. *Tzedek* and *mishpat* are primarily the responsibility of the powerful. Of leaders.

Who constituted the powerful classes of Isaiah's world? Kings and government officials, judges, the wealthy, large landowners and Torah scholars<sup>5</sup>...anyone whose social standing allowed him some control over others and who could call on highly-placed allies when needed. These are the people who are most tempted by crimes of power and it is to these people that Isaiah's message of social morality is addressed.

At this point it is very important for us to stop and consider a serious problem. Among others, Isaiah charged the Torah leadership of his day (and perhaps of all generations) with what would, at best, amount to gross dereliction of duty. At worst, they were engaged in willful criminal collusion with some of society's worst elements - at the tragic expense of the community's most vulnerable individuals. How are we to understand this? Does the study of Torah at its highest levels have no moral impact on its students? Were that generation's custodians of our ancient tradition really such vile people?

No. And a thousand times no. We must always remember to evaluate a prophet's carefully chosen words in their greater context.<sup>6</sup> First of all, there is no proof that all, or even significant numbers of the Torah scholars of that time were at any fault at all. Perhaps even one individual's descent into corruption would have warranted the kind of national introspection demanded by Isaiah. Secondly, many of the charges (like those based on 14:5) indicate weakness under pressure or naiveté rather than malevolence. Hardly admirable qualities in a leader, but nor quite such a breach of basic morality. Most importantly, however, we must take into account the principle of social interdependence:

"The cow of Rabbi Elazer ben Azariya (was thought to have inappropriately been allowed to walk in a public place on *Shabbos* while wearing a decorative ribbon): Did he have only one cow? ...Didn't his annual tithe consist of 12,000 calves? It was (therefore) taught: (this cow) wasn't his, but belonged to his neighbor, and since he didn't rebuke (the neighbor), the cow is referred to as though it was his. (It was taught)...Anyone with the opportunity to rebuke his own household and doesn't, will be caught (i.e., punished) for (the sins of) his household. (Anyone with the opportunity to rebuke the citizens of) his city (and doesn't) will be caught for (the sins of) his city. (Anyone with the opportunity to rebuke the) entire world (and doesn't) will be caught for (the sins of) the entire world...as Rabbi Chanina taught: why does it say (Isaiah 3:14) 'God in judgment will come (against) the elders of His nation and its ministers'? If its ministers sinned, what did the elders do wrong? Rather, say that the elders (will be punished) because they didn't rebuke the ministers." (TB *Shabbos* 54b and 55a)

A Torah scholar is, by definition, expected to provide a moral influence on those around him. The greater his scholarship, the more people he is to influence. If people living within his "range"

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4 see Rashi to Deut. 1:17

5 For particular reference to Torah scholars and judges, see TB *Shabbos* 139a

6 For more on this subject, see the chapter "The Accusing Finger - Eli's Sons: Understanding Sin in the Tanach" from my book "The Royal Prophet"

misbehave, it must be because the scholar failed to educate them through the visible moral example of his own conduct. Perhaps, in the privacy of his own home, he's done nothing wrong. But, after all, what was he doing spending all his time in the privacy of his own home? In Isaiah's world, privacy is a luxury reserved for the spiritually mediocre.

So even if the real criminals weren't learned Torah teachers, it's the teachers who will absorb the brunt of God's wrath for the crime. And if they're the ones being punished, we can be sure that they've somehow failed to live up to what's expected of them.

## Why is Social Justice so Important?

What is it about injustice that seems to have captured so much of Isaiah's attention? Why does the very security and future of the Jewish people depend on the quality of their struggle to eliminate injustice? While all *mitzvos* are precious and fully binding on all of us, not many are given such overwhelming weight. What's the difference?

What does Isaiah himself say about this?

"And Justice falls back, and Righteousness stands at a distance. For Truth has stumbled in the street and Right can not come." (59:14)

"...And since the Truth has stumbled from the land, so (rescue for Israel by way of God's) righteousness and justice can not come from the heavens." (Rashi)

Every one of God's *mitzvos* carries an important moral message and plays its role in shaping the Jewish personality and community.<sup>7</sup> But it would seem that the particular role played by social justice is to plant a strong attachment to truth deep in the personality of the Jewish people. If we - and particularly those prominent individuals who by rights should stand on the front lines of this battle - resist and instead pursue our private, short-sighted goals, then we have exiled truth from our midst. How then could God continue to support and nurture us? Isn't His very seal "truth"?<sup>8</sup>

The Gemara tells us of a similar consequence to a similar flaw:

"King Agripas (a decent, but genealogically unqualified Judean king who reigned towards the end of the Second Temple period) stood to accept (the *sefer Torah* for the special reading of 'Parshas Hamelech') for which the sages praised him. When he reached (in his reciting, the words) 'You are not able to place upon you a strange man' (i.e., that someone without a Jewish father could not be king), his eyes poured tears. They (the people) said to him 'Do not fear, Agripas, you are our brother, you are our brother.'" (Mishna, Sotah 41a)

"It was taught in the name of Rabbi Noson: at that moment, the enemies of Israel (i.e., sinful Jews) became deserving of destruction, for they had flattered Agripas. Rabbi Shimon ben Chalafta said: From the day that the power of flattery took hold, judgments were corrupted, behavior was ruined and no man was able to say to his fellow (by way of honest rebuke): 'my deeds are greater than yours'" (Gemara, Sotah 41b<sup>9</sup>)

God will hold off His catastrophic punishments as long as there is still hope for the people's moral future. But once the truth itself becomes a stranger to both public and private discourse; once a man may no longer call crime by its real name, hope has run out.

7 I think it's fair to say that Rabbi S.R. Hirsch's primary task writing his commentary to the Torah is to reveal just these messages.

8 TB Sanhedrin 64a

9 ע' ספר באר שבע למסכת סוטה דה"מ מותר להחניף

## **Significance of Social Justice in Jewish Life**

If a wise man repeats something often, you can assume it is of great significance. Let's take a look at just how often and in which contexts the principle of social justice actually appears in Isaiah's words:

### **Identity**

Israel's very identity is largely determined by the way they treat the weak: if victims cry out from under the burden of their abuse, the primary purpose of our national existence is called into question:

"For the House of Israel is a vineyard of God of Hosts and the man of Judah was planted there as His joy. He (God) hoped for justice, but instead (encountered) affliction; for righteousness, and instead (encountered victims') cries." (5:7 - see also Rashi to 3:9)

### **Government**

Justice is the key purpose - the *raison d'être* - of a Jewish monarchy (or any similar institution of governance)

"Behold, for (the purpose of) righteousness is a king crowned, and ministers rule for justice." (32:1)

### **Security**

The Jewish nation's security depends on the quality of public justice:

"Is this not the type of fast-day I choose: open the bonds (created by) lawlessness, release the ties (created by) injustice, set free those (who are) bound, all injustice remove. Should you not break your bread for the hungry and the lowly poor bring to your home? When you see the naked, you shall clothe him and turn not your eye from your own flesh. Then, like the morning, your light will break, and your healing will quickly blossom..." (58:6-8)

When will the solutions to your needs appear, bursting forth like the morning light? When - and only when - you have sufficiently cared for those victims of oppression and need. It is unlikely, however, that Isaiah could expect any individual on his own to effect the kind of widespread change needed to set right such vast injustice. Rather, this is probably a message aimed at an entire community. Or, better, every single community.

"For truth has stumbled in our streets." (59: 14)

"Since the truth has stumbled from the earth, even from the Heavens righteousness and justice will not come." (Rashi *ibid*)

Even God's moral guidance of our world depends on at least some minimal adherence to truth among His people. Without even that, we're on our own.

### **Destruction**

Neglect for justice can lead directly to national destruction. Here's a bit more from Chapter Five:

"(God) hoped for justice, but instead (encountered) affliction; for righteousness, and instead (encountered victims') cries...In my ears the Lord of Hosts (swore): will not many houses be desolate; large and good (homes) without occupant?" (5: 7, 9)

And another example:<sup>10</sup>

"Woe! Those who inscribe fraudulent contracts; who write dishonest documents. To divert the helpless from justice and to rob the poor of My people of judgment, so widows should be their pillage and orphans they would plunder. What will they do on the day of reckoning and for the destruction (וּלְשׁוּאָה) that will come from a distance? To whom will they run for help and where will your honor (acquired through theft - Rashi) be abandoned?" (10:1-3)

### **Mitzvah observance**

So many of our familiar and seemingly straightforward day-to-day activities in fact lose their meaning and purpose if the needs and rights of those less fortunate are ignored:

"Is this (i.e., what follows) not the type of fast-day I choose? Open the bonds of lawlessness, release the ties of injustice, set free those (who are) bound, all injustice remove." (58:6)

Fasting - something so many of us regularly do with so little thought - is primarily intended to focus our attention on the disadvantaged. It is about this *mitzvah* that the prophet chooses to make his point. But, bearing in mind our natural general tendency to allow observance to degrade into nothing more than empty ritual, we would be foolish to assume that it wasn't equally applicable elsewhere.

So Jewish practice, identity, society and destiny depend to some large degree on carefully ensuring that our communal institutions and lives are fair and just. There's no denying it: social justice is, indeed, a big deal.

### **What is Our Role?**

So what are we to do?

For those of us who are neither major community leaders nor world-class Torah scholars, how are these prophecies practically relevant?

Here are some ideas that might get you thinking:

The first thing is to keep your own eyes (and pockets) wide open. Communities are improved through many small actions. If there are people around you who need support through a difficult period, don't turn away: be helpful. If even one of us is inspired by this discussion to come to the aid of even one extra needy person - as obvious as such behavior it might seem - then this whole exercise will have been worthwhile.

Isaiah himself suggests the next crucial step:

"Learn to improve (what is around you), seek justice, support the victim (of crime), judge the orphan, fight for the widow." (1:17)

Indeed, we must each "seek justice" in our own lives and communities. But it probably won't happen by itself. Seeking justice and sparking change requires skills that must be learned. Spend more time with the kinds of *seforim* that deal with these things and, perhaps, find older individuals who have experienced noticeable successes, seek their company and learn from them.

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<sup>10</sup> See the Gemara Shabbos 139a for more on the relationship between corrupt Jewish leadership and national suffering. See also Collected Writings of Rabbi Samson Raphael Hirsch vol. IV page 137 for an alternate reading of this verse.

Here's one that is perhaps a bit less obvious than you might think: make sure you are not part of the problem. Regularly subject your activities and relationships to some form of analysis,<sup>11</sup> while giving special thought to the impact you might be having on those under your influence and power.

Now what should you do if you become aware of serious community-level oppression? Your first address should be the office of a significant *talmid chochom* who is also engaged enough in political matters to be considered an "insider" - someone likely to be privy to the community's hidden workings. He will be able to tell you if the issue is already being satisfactorily dealt with or if it is indeed an issue at all (perhaps the problem lay in your limited understanding of the affair). If the problem does turn out to be unsolved, it is quite likely that, assuming that you are a discreet and resourceful individual, the *rav* will advise you on an effective course of action.

It should be noted that regarding cases of dangerous criminal behavior, recent *halachic* literature suggests that one should immediately go to the local police and let those who have been properly trained and empowered take over.

Finally, it is worthwhile giving some thought to identifying oppression's modern face in the Jewish community. Is it school administrations which exclude students for ethnic or ideological reasons? Is it those who cover up and thereby enable crimes of abuse against innocent children? Is it those who set new, more elaborate standards for "frum" fashion and simcha consumption, thereby feeding rampant materialism within the Jewish world and pressuring those with more meager means to follow their example and suffer the consequences?

Perhaps this should be the subject of serious, objective research.

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<sup>11</sup> This, in any case, is something strongly recommended by *mussar seforim*.