

The “Stuttering” *Halakhot* and *Tikkun Olam*

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Introduction

The notion that the path to knowing, worshiping, and serving God lies in strict observance of the laws of the Torah is one of the truly foundational ideas of rabbinic Judaism. Indeed, when Rabbi Oshaya famously imagined Creator God peering into an already-existent Torah while creating the world (somewhat in the manner of an builder consulting already drawn-up blueprints), he was merely suggesting that we human beings, the created, may see in the commandments of the Torah a path to follow back to our Creator...and thus to an ongoing sense of divine presence in our lives, in our communities, and in our personal ambits.¹ In the rabbis’ conception, the Torah’s narrative was a useful literary frame—for the deeds of Israel’s ancestors were, they intuited, intended to serve as the basis for countless moral lessons for their descendants—but it was the laws of the Torah and all of their derivative details that were imagined as the paving stones that constitute the specific spiritual path forward toward God that an individual seeking “to seek God and thus truly to live” might follow.² Indeed, it was to make that specific point that Rabbi Akiva stressed that both the legal principles of the Torah and their endless applications—the *k’lalot* and the *p’ratot*, to use his own terms—were not only revealed to the Israelites at Sinai, but were repeated (presumably, all of them) first to Moses

in the Tent of Meeting, and then again to all of Israel on the Plains of Moab.³ By following the laws and remaining faithful not merely to the theoretical *concept* of a covenant that binds the nation and its God but actually to the minutiae of observance that characterize the behavior of the fully faithful member of the House of Israel, each individual Jewish soul becomes capable of living a life in and of God.⁴

In that God was taken as the ground of all morality, the question of whether any of God's laws could reasonably be considered by their nature "immoral" could not be asked by the ancient rabbis. And, indeed, the question of whether strict observance of the law could possibly lead an individual to behave unethically does not seem to have occurred to the ancients in anything like those terms.⁵ Nevertheless, our ancient sources are filled with instances in which circumstance required that an adjustment—and often one wholly unwarranted by the original law as presented in Scripture—be made in the *halakhah*, lest the observance of some specific law lead not to a finer, better world of individuals more fully reminiscent of the Creator in whose image they were created, but instead to a world made both less just and less decent because the law was followed slavishly and counterproductively to an essentially negative outcome.

Adjustments to the Halakhah:

Mi-p'nei Tikkun Ha-olam, Mi-p'nei Darkhei Shalom, Mi-p'nei Eivah

A large number of these "adjustments" to what was then the existing *halakhah* are justified by noting that they were enacted *mi-p'nei tikkun ha-olam*, a phrase cited in many essays included in this volume and which, in its original rabbinic context, means something like "for the sake of the decent functioning of society." I would like to introduce some of those laws here, but also to note that there are also other groups of analogous adjustments to the law that were enacted for the specific sake of making the world more just, decent,

fair, and equitable than would have been the case if the law had been observed in its original, unaltered form. And, indeed, in addition to the *mi-p’nei tikkun ha-olam* revisions of the law, also relatively well known are a second such group of laws, enacted “for the sake of the ways of peace [in the world]” (*mi-p’nei darkhei shalom*), and a third group, enacted “for the sake of [eliminating] animosity” (*mi-p’nei eivah*). But a fourth group of laws, labelled in the Yerushalmi⁶ as “stuttering *halakhot*” (*halakhot shel im·um*), are relatively unknown even to halakhic cognoscenti. It is this group of laws that I would particularly like to present in this essay. Furthermore, I would like to suggest that the specific approach to “fixing” the law embodied by the “stuttering *halakhot*” could reasonably inspire the adoption of a larger, more general concept of “fixing” the law for the sake of bringing the Torah more into sync with the norms of behavior that a specific generation recognizes as inherently moral and ethically just—and that this should be the framework that we modern Jews bring to the concept of *tikkun olam* as part of our ongoing effort to perfect the world and, in so doing, to effect its ultimate redemption.

The formal *mi-p’nei tikkun ha-olam* passages are mostly straightforward. For example, the fourth chapter of tractate Gittin in the Mishnah, the oldest extant code of rabbinic law,⁷ opens with a discussion of the possibility of a man annulling a bill of divorce that he has dispatched to his wife but that has not yet reached her hand. The basic law itself is clear: a man who sends off a bill of divorce to his wife by means of an agent retains the ability to void the document merely by telling as much to the agent either orally or in writing.⁸ And he also retains the ability to cancel the divorce by telling the same thing to his wife, also either directly or in writing.⁹ Nor is there any question about how the law works once the *get* (that is, the bill of divorce) has finally reached the wife’s hand: *im mi-she-bigia ha-get l’yadah shuv eino yakhol l’vatlo* (“once the *get* comes into her hands, he no longer has the right to void it”). And now we get to the point. Apparently, it was originally the case that a husband could

void a get already dispatched to his wife merely by convening a *beit din* and voiding it in their presence even absent the knowledge of his wife—and it was that specific practice that the Mishnah sought to do away with. Thus Rabban Gamliel the Elder forbade the original practice *not* because he determined it to *actually* be illegal, but simply because the possible repercussions of allowing such a practice would have proven inimical to the smooth functioning of society. Specifically: absent the “adjustment” requiring that voiding of a get be communicated directly to the delivery agent or the woman herself, the original *halakhah* could have resulted in the creation of a class of women who thought themselves to be unmarried (because they had received a *get*), but who actually were still married (because their husbands, unbeknownst to them, had convened a court of three and voided the get without informing them either directly or indirectly).¹⁰

Similarly, the law theoretically permits a *get* to be written using whatever names are submitted to the scribe for a husband, a wife, and their place of residence. But in a world without birth certificates, passports, or other documents of the kind we moderns use legally to certify our names, this practice led to the problem of divorce documents being issued to people who only sometimes used the names that appeared in them. And so the same Rabban Gamliel the Elder decreed, *mi-p’nei tikkun ha-olam*, that henceforth bills of divorce should be issued in the husband’s and wife’s names (as provided in the original *halakhah*), but that those names appear in the get as “so-and-so, or by whatever names he [or she] may be otherwise known”—thereby clearing the way for the *get* to be deemed valid even if one of the parties to it is known in some other venue by a different name.¹¹

Nor was it solely within the context of marriage and divorce law that such adjustments to the *halakhah* were applied. One must never redeem a captive for more than his or her fair market “price” *mi-p’nei tikkun ha-olam*—lest the community’s generosity encourage further instances of kidnapping and hostage-taking.¹² A physician who errs

in good faith and does harm rather than good is not to be prosecuted *mi-p’nei tikkun ha-olam*.¹³ A priest serving in the Temple who inadvertently renders a sacrifice invalid by unintentionally resolving to consume some of the flesh of the animal, meat that will licitly come to him as a priestly emolument, past the scriptural deadline for such consumption, need not feel liable to make restitution to the sponsor of the sacrifice *mi-p’nei tikkun ha-olam*.¹⁴ It is also worth noting that the concept of laws revised *mi-p’nei tikkun ha-olam* was specifically not restricted to situations of societal good unrelated to Torah law. Thus, the Mishnah also records that Hillel the Elder’s innovation of the *prozbul*, a legally valid way to avoid the dissolution of debts that the Torah mandates in the Sabbatical year, was specifically motivated by the desire to act *mi-p’nei tikkun ha-olam*.¹⁵ In all these examples, the phrase denotes the same basic principle: it is both licit and desirable to outlaw legal procedures that are formally permissible, let alone actually to close real loopholes in the law, when the alternative would be to tolerate a result that would impact upon society or its citizens negatively by creating situations characterized by injustice, mean-spiritedness, or cruelty. I could offer many other examples, but the ones mentioned above should give readers the general idea.¹⁶

The second set of laws I mentioned above are those enacted *mi-p’nei darkhei shalom*, “for the sake of the ways of peace.” These appear through our ancient sources, but many of them are collected conveniently in the Mishnah in fifth chapter of tractate Gittin.¹⁷ The administrators of Jewish charity funds may solicit funds from non-Jewish donors and distribute alms to the non-Jewish poor *mi-p’nei darkhei shalom*.¹⁸ Similarly, Jews are to assist in burying the indigent non-Jewish dead and even in arranging that a proper eulogy be delivered over their biers, both *mi-p’nei darkhei shalom*.¹⁹ If one notices among those gleaning in one’s fields some “poor” whom one knows not truly to be in need, one can protest if one thinks one will get them to desist—or alternatively, if one judges that one will only stir up a huge brouhaha without accomplishing anything

meaningful, one can let it go *mi-p'nei darkhei shalom*, and leave it at that.²⁰ Nor is one compelled to protest if non-Jewish indigents glean in one's field, or collect one's "forgotten sheaves," or come to take the produce in the corners of one's field that one has left for the poor: even though these gifts are specifically designated by Scripture for the Jewish poor, one may opt to say nothing when non-Jewish needy arrive to collect some of one's charity grain, again *mi-p'nei darkhei shalom*.²¹ And even though ownership is understood by Jewish law to be a function of the will to possess, taking away a found object from a mentally challenged individual incapable of exerting that kind of formal will to own is considered theft, again *mi-p'nei darkhei shalom*.²² There are many other examples I could offer, but all simmer down to the same thing: when observance of the law according to its strict letter may lead to strife, harshness, inner-societal contentiousness, or possibly even to violence, then we do not follow the law *sensu stricto*. Instead, we "fix" the law so that it leads not to strife at all but instead to feelings of peacefulness and harmony among all segments of society, including people outside the Jewish community.

The *mi-p'nei eivah* passages are yet another example of the rabbis' elastic approach to *halakhah* when the outcome struck them as potentially deleterious to the smooth functioning of society—particularly when it was feared that absent a "fixing" of the *halakhah*, feelings of ill will, and even animosity, would ensue. For example, the law is completely clear that among the activities forbidden on Yom Kippur is washing.²³ The same passage in the Mishnah that adumbrates the pleasures forbidden on the Day of Atonement, however, also notes *en passant* that both "kings and brides are permitted to wash their faces."²⁴ The Mishnah offers no explanation, but the Yerushalmi does: kings are permitted to wash their faces because a high standard of personal hygiene is part of the majestic bearing kings must bring to their office, and brides are permitted to wash their faces *mi-p'nei eivah*, i.e., lest they appear uncomely to their husbands and thus inadvertently trigger inner-marital strife.²⁵ In

another interesting passage, Rabbi Yoḥanan suggests that the word of an unlettered peasant be accepted in the context of a wedding feast regarding whether food had been properly tithed even though such testimony would normally be considered suspect to the point of unacceptability, and that that should be our practice *mi-p’nei eivab*, lest the rejection of such testimony lead to inner-societal Jewish animosity.²⁶ Interestingly, a different rabbi says the same thing in an adjacent passage, but justifies his ruling as necessary *mi-shum darkhei shalom*.²⁷

All of the above categories are relatively well known, but the same cannot be said of the *halakhot* of *im·um*, to which I would now like to turn my attention.

Halakhot of Im·um

What the word *im·um* itself means is a question in its own right. Marcus M. Jastrow, relating the term to words with similar roots denoting “dimness” or “obscurity,” defines the verbal root of *im·um* as meaning “to disregard the law” or “to act irregularly in an emergency.”²⁸ This was the opinion of earlier scholars as well, but others relate the word to the more familiar *gimgum*, meaning “stuttering” or, less clinically, “speaking indistinctly or unclearly.”²⁹ In either event, the meaning of the phrase *halakhot shel im·um* becomes clear from the context and unmistakably denotes laws that the sages consciously chose to suppress under certain circumstances for the sake of making the world a more peaceful place. Given the rabbis’ deep devotion to the law, their willingness to “stutter” in certain specific settings for the sake of making the world a better place is especially striking. After I explain some of these instances, I will set forth my reasons for considering this to be a potentially meaningful model for moderns seeking to embrace and deepen the concept of *tikkun olam*.

The concept of *halakhot shel im·um* comes to the fore in a passage that appears in full twice in the Yerushalmi: once in tractate Sheviit and once in Maaser Sheini. (Part of the passage also appear in tractates Shabbat and Avodah Zarah.) In each section of the passage, the underlying idea is that the duty of legal decisors is to guarantee that the observance of the law invariably leads to a finer world and never to the contrary...and not even when to do so requires a bit of self-induced stuttering.

The text in tractate Sheviit brings together several laws that all qualify as examples of halakhic *im·um*. The first involves a landowner saying to a worker during the Sabbatical year, “Here is an *issar* coin—go collect some greens for me.” In such a case, none of the sanctity of the Sabbatical year inheres in the coin; because he received the money as wages for his labor rather than specifically to pay for the vegetables, the worker is free to use the money however he wishes. If, however, the landowner says, “Gather me up some greens for today against this *issar*,” then the sanctity of the Sabbatical year does attach itself to the coin and the worker can only use it in the specific way that the law permits the use of “Sabbatical year funds.”³⁰ That much is part of the Mishnah, but the Yerushalmi’s discussion notes that the distinction between the two cases mentioned seems negligible, in that the same worker is doing the same thing for the same wage in both cases. Ah, Rabbi Avin (quoting Rabbi Yossi ben Ḥananiah) demurs, but this is one of the *halakhot shel im·um*, one of the places in which the sages consciously “stuttered,” thus creating a straw distinction where none really exists. Doing so effectively benefits a poor laborer in need of funds to pay off a debt: by detecting enough of a difference between the two cases mentioned, the world becomes a better place...and that, apparently is a good enough reason to warrant enshrining an otherwise barely real distinction in law.³¹

The other examples are similar. There is a *mishnah* in tractate Maaser Sheini that likewise makes a distinction between two nearly identical situations. Second tithe produce must be taken to Jerusalem

and consumed there. Interestingly, the Torah itself (at Deuteronomy 14:24–26) foresees the possibility of that being difficult to manage and specifically permits one to sell the produce at home and then bring the money to the Holy City in order to save the hassle of transporting what could for some be huge amounts of produce over long distances. The case discussed in the Mishnah, however, is a bit different and wonders about the case of a landowner who hires someone to bring his second-tithe produce to Jerusalem by saying, “Bring this produce to Jerusalem and we’ll settle up there.” In other words, the owner specifically stipulates that the worker’s wages be paid out of the produce itself upon arrival, and that is forbidden! But if the owner were to say, “Bring the produce up there so that we can consume it together in Jerusalem,” that would be licit—because the owner would in effect have invited the worker to eat there as his guest, and one has the right to do whatever one wants with one’s produce as long as it is consumed in the Holy City. Again, the *Yerushalmi* notes that the two situations are almost identical: in both scenarios the same worker does the same thing for the same wage. And the answer is the same (albeit this time taught by Rabbi Zeira in the name of Rabbi Yonatan): this is one of the *halakhot* of *im·um* in which the sages consciously “stuttered” in pronouncing the law, so as to avoid creating a situation in which it would become difficult to find someone to hire to bring one’s produce to Jerusalem.³²

A third example has to do with the laws of Sabbath rest. There is a *mishnah* in the twenty-third chapter of tractate Shabbat that determines that one may borrow wine or oil from a neighbor on Shabbat, as long as one does not specifically ask using language that implies that the exact substance involved will be replaced but not specifically returned. In other words, when one borrows a cup of sugar from a neighbor and then returns the next day with a cup of sugar to that same neighbor’s door, it is obviously not the same sugar in the cup as the day before! That, however, qualifies as a business transaction of the kind forbidden on Shabbat. However, borrowing

from a neighbor is permitted if one merely asks to “borrow” some oil or wine, using vaguer language that does not suggest that something other than that which is taken will be returned. Taken seriously, that makes no sense: why in the world would someone borrow a cup of oil and then return the very same oil the next day? If one doesn’t need to use the oil, then why is one “borrowing” it in the first place? And here too, Rabbi Zeira notes in the name of Rabbi Yonatan that we are dealing with a “stuttering” *halakhah*, one that the sages enacted by willing themselves to see a distinction where none really exists—in this case for the sake of helping out a householder who needs a neighbor’s help dressing a salad for Shabbat lunch.³³

Of more consequence is the final *halakhah* in the sequence. The passage begins with another statement of Rabbi Yonatan, this one transmitted by Rabbi Yaakov bar Aḥa, who notes that the law regarding bread baked by non-Jews is another of the “stuttering” laws. The Yerushalmi then goes on to note that when Rabbi Yaakov was asked to expatiate on Rabbi Yonatan’s comment, he offered the following explanation: although it would make sense to forbid the bread of gentiles even in places where Jewish bread is not available, the *halakhah shel im-um* permits gentile bread in such a setting—so that nourishment may be provided for the hungry.³⁴ What is of particular interest is the comment of Rabbi Mana, made *en passant* in the part of the passage I glossed over, to the effect that these laws of *im-um* invariably permit that which might otherwise be forbidden, but never vice versa. In other words, the way to “adjust” the law in a halakhically permissible way, to ensure that society never suffers as a result of allegiance to Torah, is for the law to become more liberal, but never more severe or restrictive.

This, then, was the sages’ concept of *tikkun olam* as I understand it: that ongoing fidelity to the law must always improve the world, and that it is vital to take whatever steps are necessary to prevent the opposite from taking place...even if the way to take those steps requires a bit of consciously undertaken “stuttering” about the specific

legal detail under discussion. I have mentioned several categories of laws designed with this goal in mind, starting with those actually labeled by the sages as laws promulgated *mi-p’nei tikkun ha-olam* and moving on to other laws that under separate rubrics accomplish the same thing. My proposal is that we understand them all as variations on the same theme and, taking our sages intellectual and spiritual flexibility to heart, that we work to guarantee that faithfulness to the commandments only ever leads to a more just, more kind, and more peaceful world.³⁵

Conclusion: Implications for Understanding *Tikkun Olam* in Modern Parlance

If one were merely to read modern books about Judaism that mention *tikkun ha-olam* (usually rephrased in English contexts somewhat ungrammatically as *tikkun olam*), one would gain a very different impression. The term is widely used, even in English-language book titles intended for readers who presumably do not speak Hebrew,³⁶ but it is no longer used simply to denote innovations in the law intended to make society function more smoothly or more justly. Instead, it most often seems to reference a concept left unnamed in earlier books about Jewish life: the obligation to struggle for the betterment of the world “out there” without reference to the *halakhah* at all. Take, for example, this passage from Brenda Shoshanna’s 2008 book, *Jewish Dharma*: “[*Tikkun olam*] means to heal, balance, and correct the world...The Torah teaches that not only do we have to fix...ourselves, but ultimately it is our responsibility to fix and heal the entire world.”³⁷ Or this glossary entry from a widely-read introduction to Judaism, Ted Falcon and David Blatner’s *Judaism for Dummies*: “*Tikkun* literally means improvement, repair, or correction. However, the term is at the core of an important Jewish teaching: that the greater purpose of Jewish identity and observance has to

do with the healing of both our planet and ourselves. The phrase *tikkun olam* is sometimes translated as the ‘healing of the world,’ and refers to world peace, global security, social justice, or—in the more mystical tradition—the completion of all of God’s creation.”³⁸ Or this quote from Richard G. Hirsch’s 2000 book, *From the Hill to the Mount*: “*Tikkun olam* is a corporate enterprise, to be achieved through the striving of the entire Jewish people here and now, to shape the future of the world and to establish peace and brotherhood among all the families of humankind.”³⁹ Clearly, the term is being used in these works to denote something at a considerable remove from the definition I am proposing in this essay. My suggestion is that instead of this wan use of the term to denote any kind of effort at all that has at its heart the desire to improve the world, forward-thinking Jews should seek to anchor their efforts to bring about the redemption of the world—the ultimate *tikkun*—by working to improve the law that binds Israel to its God, by guaranteeing—to the best of their ability—that fidelity to the codicils of the covenant never lead to anything even tangentially immoral or ethically untoward.

In other words, if we are eager to repair the world and to work personally for its final redemption, we need to embrace wholehearted, unambiguous fidelity to the Torah and its laws—the *k’lalot* and the *p’ratot*, as mentioned on the first page of this essay—and then, in the context of that level of unremitting allegiance to the law, to work to fix not the world, but the laws of the Torah—which, as noted above, the *midrash* imagines God consulting while creating the world in the manner of a builder or a contractor reading pre-prepared blueprints. To tamper with divine law sounds as though it should be, at best, an iffy enterprise. Yet the Jewish people has long embraced this concept and determined that an obligation, not merely a right, exists continually to fix, adjust, and repair the law—*precisely* so that its observance will lead always and invariably to treating the oppressed justly, to generous caring for the needy, to the mending of the tears in the fabric of society, and ultimately to the redemption of the world—

may it come speedily and within our day—because those praying daily for that redemption will already have done their part on the ground to make the world worthy of, and ready for, salvation in God. And therein lies our right to consider ourselves the harbingers of the world’s redemption through the medium of unremitting fidelity to the covenant that binds us to God. The pursuit of that goal of perfecting the law is what *tikkun olam* means to me. And it is also, I believe, what it can and should mean to Jewish people everywhere.

NOTES

¹ Bereishit Rabbah 1:1, ed. Theodor-Albeck (1903–1929; rpt. Jerusalem: Wahrman, 1967), p. 2.

² Regarding the supposition that the Torah's narrative frame is meant to present moral lessons to future generations, cf. Ramban's comment to Genesis 12:6, s.v. *va-ya'avov avram ba'aretz ad m'kom sh'kbem*.

³ B. Zevahim 115b (=B. Hagigah 6b and Sotah 37b). The reference to the Plains of Moab presumably means that Moses spoke aloud but apparently failed to record (or rather, to re-record) in Deuteronomy those of the Torah's laws that appear elsewhere in the Torah.

⁴ Cf. the statement of Rabbi Hananiah ben Akashya, who said that God gave Israel the Torah and its commandments for the express purpose of making them worthy, i.e., worthy of being linked in covenant to the Almighty (M. Makkot 3:16, cf. *Avot D'rabbi Natan*, text A, ch. 41, ed. Schechter [1887; rpt. New York: Feldheim, 1967], p. 134).

⁵ Cf. David Weiss Halivni's essay, "Can a Religious Law Be Immoral?," published in *Perspectives on Jews and Judaism: Essays in Honor of Wolfe Kelman*, ed. Arthur Chiel (New York: Rabbinical Assembly, 1978), pp. 165–170.

⁶ The Yerushalmi is the Talmud of the Land of Israel, sometimes called the Palestinian Talmud or the Jerusalem Talmud, and was edited in the fourth century C.E.

⁷ Compiled by Rabbi Judah the Patriarch in the land of Israel c. 200 C.E.

⁸ M. Gittin 4:1.

⁹ Ibid.

¹⁰ M. Gittin 4:2. Rabban Gamliel, the grandson of Hillel the Elder, lived in the first century C.E. A *beit din* is a court, consisting minimally of three members, convened to adjudicate matters of *halakhab*.

¹¹ Ibid.

¹² M. Gittin 4:6.

¹³ T. Gittin 3:8, ed. Lieberman (New York: Jewish Theological Seminary, 1973), vol. 2, p. 257. (The text goes on at 3:9 specifically to mention a physician performing an abortion authorized by the *beit din* who inadvertently harms the mother, and notes that he too is not to face charges *mi-p'nei tikkun ba-olam*.) The idea there too is clear: prosecuting physicians who err in good faith will discourage anyone from wishing to practice medicine, and the smooth functioning of the world requires that there be medical doctors in it. The Tosefta is an ancient collection of rabbinic dicta dating to the age of the Mishnah but that were not included in the Mishnah itself.

¹⁴ Ibid. The idea here is that priests will decline to serve at the altar if they face financial liability for even a momentary lapse of concentration, and the better functioning of the world requires that this not be the case. The inverse is also true, however, and the Mishnah also notes that priests who intentionally commit this specific sacrilege *are* considered liable to make restitution—and this

law too was enacted *mi-p’nei tikkun ha-olam*, presumably so as not to discourage people from sponsoring sacrifices in the Temple by making it possible for a priest maliciously to invalidate a sacrifice merely by saying, even falsely (since none could offer proof to the contrary), that he consciously planned to consume the meat coming to him at some time past the legal limit.

¹⁵ M. Gittin 4:3. The idea, as developed in more detail in the Gemara ad locum (at B. Gittin 36a), was that people with the potential to lend funds to the poor were declining to do so as the Sabbatical year approached and they were threatened with the dissolution of the debts owed them, just as the Torah itself forecast could possibly one day be the case at Deuteronomy 15:9. The *prozbul*, then, was intended to speak directly to that phenomenon once it became clear that a mere admonishment, even one with scriptural *bona fides*, was not going to be enough to get people to lend much-needed funds to the poor as the likelihood of being repaid diminished with the approach of the Sabbatical year. The word *prozbul* itself derives from the Greek, probably from an expression meaning “before the counselors’ assembly” or something to that effect.

¹⁶ A comprehensive list of instances in which the phrase *mi-p’nei tikkun ha-olam* appears in the Bavli and the Yerushalmi may be found in Gilbert Rosenthal’s essay, “*Tikkun ha-Olam*: The Metamorphosis of a Concept,” *The Journal of Religion* 85:2 (April 2005), p. 217, n. 10. To these may be added the following tannaitic sources: Mekhilta D’rabbi Yishmael, *Parashat Mishpatim, Massekbeta D’kaspa, parashah* 20 (ed. H. S. Horovitz and I. A. Rabin, 2nd ed. [1931; rpt. Jerusalem: Wahrman, 1970], p. 330); M. Gittin 4:2 (two instances), 4:3 (two instances), 4:4, 4:5, 4:6 (three instances), 4:7, 4:9, 5:3 (two instances), 9:4; M. Eiduyot 1:13; T. Terumot 1:14 (two instances), 1:15; T. Ketubbot 12:1; T. Gittin 3:8, 3:12, 3:13 (four instances), 6:10; and T. Bava Batra 6:6 (two instances).

¹⁷ M. Gittin 5:8.

¹⁸ T. Gittin 3:13, ed. Lieberman (New York: Jewish Theological Seminary, 1973), p. 259. The idea is clearly that the fund was specifically set up to assist the needy within the Jewish community, and its administrators must now decide whether to reach beyond its charter.

¹⁹ *Ibid.* Here too the idea is clearly that a charity fund to assist the Jewish indigent was set up and its administrators must now decide whether to reach beyond the scope of their original charter.

²⁰ T. Pei’ah 3:1, ed. Lieberman (New York: Jewish Theological Seminary, 1956), p. 50. The Torah specifically ordains that dropped produce be left on the ground for the poor (Leviticus 19:9–10), but does not establish any specific criteria regarding how poor precisely the individual seeking to glean in another’s field must be. Cf. Maimonides’ comments regarding the right of an individual to self-define as poor, and thus qualify to receive the gifts for the poor that the Torah commands the prosperous to offer (at M.T. *Hilkhot Matnot Aniyim* 7:2, 5, and particularly 6, where one’s obligations to a stranger who simply says that he is hungry are discussed; but cf. also 10:19, where the author solemnly imprecates the scoundrel who accepts gifts of charity that he does not really

need—thus implying that one may receive such gifts merely by self-defining as needy).

²¹ M. Gittin 5:8. Scripture notes (at Leviticus 19:10) that these gifts are *le-ani v'la-geir*, for the “poor and the sojourner,” but the “sojourner” was taken by the rabbis to denote converts to Judaism, not non-Jews in general. Cf. Maimonides’ comment at M.T. Hilkhot Matnot Aniyim 1:9, where he writes unambiguously that the Hebrew word *geir*, translated here as “sojourner,” refers solely to the righteous proselyte (that is, the *geir tzedek*) in the context of these gifts that Scripture offers to the poor.

²² M. Gittin 5:8.

²³ M. Yoma 8:1.

²⁴ Ibid.

²⁵ Y. Yoma 8:1, 44d. That brides need to worry about their attractiveness in a way that grooms apparently do not is a function of the androcentricism that is basic to the larger worldview of the Yerushalmi and rabbinic works in general.

²⁶ Y. Demai 4:2, 24a.

²⁷ Ibid. The Hebrew *mi-shum* means the same thing as *mi-p'nei* in the other passages cited.

²⁸ Marcus M. Jastrow, *A Dictionary of the Targumim, the Talmud Babli, and Yerushalmi, and the Midrashic Literature* (New York : G.P. Putnam, 1903), p. 1089.

²⁹ Cf. the comment of Rabbi Shlomo Sirilio (d. c. 1558) to Y. Shevi'it 8:4, s.v. *mei-hilkhot shel im'um*, in which he offers both possibilities as reasonable. But cf. the commentary *ad locum* of Rabbi Elijah of Fulda (1650-c.1720), who clearly favors the latter explanation.

³⁰ M. Shevi'it 8:4. Sabbatical year funds can be used to purchase food, but not to pay off debts; cf. the explanation of Leviticus 25:6 at B. Avodah Zarah 62a.

³¹ Y. Shevi'it 8:4, 38a and Maaser Sheini 3:1, 54a.

³² Ibid.

³³ Ibid.

³⁴ Ibid. This passage also appears in Y. Shabbat 1:7, 3c and Y. Avodah Zarah 2:9, 41d.

³⁵ Related to the “stuttering” *halakhot* but not quite identical are the laws the Yerushalmi declares were enacted *al y'dei ilab* “for a [relatively] paltry reason,” i.e. one that was clearly a pretext intended formally to justify a legal decision deemed societally desirable, for example the passage in Y. D'mai 4:1, 23d, where the testimony of a witness who would otherwise be considered untrustworthy is deemed acceptable for the sake of enhancing the Shabbat observance of someone who might go hungry if that person's testimony is not accepted at least temporarily. The term is used in the Bavli as well, e.g. at B. Nazir 65b (=B. K'tubbot 20b) where Resh Lakish is quoted as saying that the rabbis of old seized on any reason at all, even the least substantial one, to declare the Land of Israel to be in a state of a priori purity. There are other examples in both the Yerushalmi and the Bavli as well.

³⁶ Cf., e.g., Elliot Dorff, *The Way Into Tikkun Olam: Repairing the World* (Woodstock, VT: Jewish Lights Publishing, 2005) or David Shatz, Chaim I. Waxman, and Nathan J. Diament, eds., *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Northvale, NJ: Jason Aronson, 1997). For that matter, cf. also Vivian Newman’s *Tikkun Olam Ted* (Minneapolis: Kar-Ben Publishing, 2013), a children’s board book.

³⁷ Brenda Shoshanna, *Jewish Dharma: A Guide to the Practice of Judaism and Zen* (Cambridge, MA: Da Capo Press, 2008), pp. 249–250.

³⁸ Ted Falcon and David Blatner, *Judaism for Dummies* (2001; rpt. Hoboken: John Wiley and Sons, 2013), glossary.

³⁹ Richard G. Hirsch, *From the Hill to the Mount: A Reform Zionist Quest* (Jerusalem and New York: Gefen Publications, 2000), pp. 114–115.