TALMUDIC AND ETHICAL APPROACHES TO SOVIET JEWISH RESETTLEMENT

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In resettling large numbers of Soviet refugees, the Jewish community is faced with the ethical dilemma of responding with sensitivity to their needs while meeting its financial obligations to all its constituents. An examination of four talmudic stories reveals that the Sages endorsed the imposition of parameters on individual and communal philanthropy. Cost-saving resettlement policies are one means of applying the principle of tzedekah.

The significant exodus of Jews from the Soviet Union has strained communal budgets and staff deployment, has necessitated the establishment of special fund-raising campaigns above and beyond the regular campaigns, and has required the efficient coordination of services among the constituent agencies of local federations. In addition to creating fiscal and planning pressures on the organized Jewish community, the immigration of Soviet Jews has also evoked ethical dilemmas. The dilemmas stem mainly from fiscal constraints that require the establishment of priorities in the allocation of scarce resources. Moved by the pressure of ethical concerns, a professional social worker of a local federation was clearly disturbed by the dilemmas his agency was facing and he sought to understand them better in the course of an interview with the author.

In this article an excerpt from the interview is examined from talmudic and ethical perspectives. The talmudic references seek to interpret the practical meaning of giving to the poor "sufficient for his need." The ethical perspective includes an analysis of the value of justice and the ethics of intimacy. The aim of this article is to assist professionals in Jewish communal service to identify and analyze ethical dilemmas.

In the interview, the social worker raised these concerns:

> As you know, there has been a significant influx of Soviet Jews to the United States. This has necessitated the raising and expenditure of more funds. In our federation we have not raised enough to cover the expenses of resettlement. There are more immigrants than we can handle, and their needs have outpaced our resources. We are caught in a serious dilemma of what to do in this situation.
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> The first question of immediate concern is how much should we give, since resources are limited and there are other pressing needs in the community. This is an emergency, as the Russians come with very little, but there are other priorities too. For example, should we reduce allocations to Jewish education in order to support resettlement of Soviet Jews?

PRINCIPLE OF TZEDAKAH

The allocation of scarce resources is not a new problem. The Sages of the Talmud were puzzled by the meaning of the word "sufficient" in the biblical command: "But you shall surely open your hand unto him and lend him sufficient for his need in that which he wanteth (lacks)" (Deuteronomy 15:8). How much is sufficient? Are there any guidelines? Here is their answer:

> Our Rabbis taught: "Sufficient for his need" implies you are commanded to maintain

> him, but you are not commanded to make him rich; "in that which he wanteth" includes even a horse to ride upon and a slave to run before him. It was related about Hillel the Elder that he bought for a certain poor man who was of a good family a horse to ride upon and a slave to run before him. On one occasion he could not find a slave to run before him, so he himself ran before him for three miles (Ketubot 67b).

The talmudic answer is based on the principle of tzedakah—justice. By definition, a principle is a guide to action, but it does not tell the individual precisely what to do. In this case, the Sages set a minimum standard beyond which the donor is not obliged to go. One must maintain the poor according to their previously accustomed lifestyle, but not excessively. The Talmud proceeds to illustrate how Hillel applied this principle to the poor man of a good family. Since the man was accustomed to ride on horses and have slaves cater to him, when he became poor, Hillel supplied these domestic accoutrements for him.

Can this principle and its supporting case illustration serve as a guide for the resettlement of Soviet Jews? If we were to apply it literally as Hillel did, we would be obliged as a community to provide these new immigrants with the same necessities and comforts they had in the Soviet Union. These would include a place to live, a job, tuition for the education of children, vocational training if necessary, and English as a second language; in short, all the services that we are currently providing. It has been estimated that the cost of these services for each Russian immigrant is about $7,000. As the influx has continued, funds allocated for Soviet resettlement have been depleted. Although we have been nobly attempting to follow Hillel's example, many communities can no longer afford to do so. The question is: Do we have any ethical grounds to limit the services to those who reside in our community and perhaps turn away some immigrants due to a lack of funds? Is there talmudic precedent for such a stance?

A second interpretation of the "sufficient for his need" principle follows that of Hillel.

> Our Rabbis taught: It once happened that the people of Upper Galilee bought for a poor member of a good family of Sepphoris a pound of meat every day. "A pound of meat!" What is the greatness in this? R. Huna replied: "It was a pound of fowl's meat. And if you prefer, I might say: They purchased ordinary meat for a pound of money." R. Ashi replied: "The place was a small village and every day a beast had to be spoiled for his sake" [all the meat that remained after his one pound had been taken off had to be thrown away for lack of buyers and consumers] (Ketubot 67a).

In both stories, Hillel and the townspeople made great sacrifices in order to accommodate the original lifestyle of the poor men. The village residents were themselves poor, but they felt that was the ethical thing to do. However, the reader senses a feeling of coercion in the phrase, "A beast had to be spoiled for his sake." The townspeople could not afford to slaughter this animal, but they did so anyway for the sake of the mitzvah. This story then introduces the phenomenon of donor resistance in the act of tzedakah.

Resistance appears to be an underlying theme in the federation social worker's delineation of the ethical dilemma. The agency would like to serve every Soviet Jew who comes to the community but it cannot, because doing so would entail making serious sacrifices that the community is not yet ready to undertake.

THE MORAL CLAIMS OF RECIPIENTS

Until now the problem has been discussed from the perspective of the Jewish community as the donor. Guidelines to determine the extent and limits of the community's benevolence have been sought. We now

need to ask whether the recipients have any moral claims on our benevolence—whether they are justified in asking for services, which then places a moral obligation on the community to respond to these claims.

Those who advocate for the rights of Soviet Jewish immigrants justify their moral claims on the value of justice. Justice includes

> efforts to ensure equal opportunities and protection to all persons within the framework of formal and informal institutions and practices . . . . The social worker who engages in advocacy at the justice level, whether on behalf of individual clients or of classes of persons to whom he feels a professional obligation, devotes himself to effecting for them the rights and entitlements legally and socially available to others (Levy, 1974, p. 43).

The value of justice undergirds the appeals by U.S. government officials and representatives of the Soviet Jewry movement to the Soviet government to eliminate emigration quotas. Protest marches and rallies have similarly stressed the value of justice in demanding the humane treatment of Jews. Soviet Jews who emigrate to Jewish communities expect rights and entitlements available to others based upon the Jewish tradition of tzedakah.

A second form, corrective justice, "involves the selective consideration of the needs of deprived groups and the institution of deferential provisions for them in light of their present condition and past deprivation" (Levy, 1974, p. 43). It is not merely a case of ensuring equal access to goods and services, but giving certain groups and individuals special preferences. Selective justice is an attempt to redress grievances and compensate for past inequities.

The value of corrective justice supports the preferential treatment of Soviet Jews and the allocation of special funds beyond normal philanthropy. They are not like other people who have needs to be met; they are special because of their history of harassment, discrimination, and persecution. This approach demands the unequal distribution of resources in favor of the aggrieved group. As a consequence, it may penalize others who also deserve the services because of their vulnerability.

This discussion sets the stage for an analysis of the ethical conflict in social planning for Soviet Jews. The federation, representing the Jewish community, bases its resettlement policy on the Jewish values of tzedakah, *hesed*—loving/kindness, *pidyon shvuyim*—the redemption of captives, and *hachnassat orchim*—welcoming guests into one's home. The professional social worker's values are belief in human dignity, care for the needy, nondiscrimination, and social justice. Since by definition, values imply a commitment to action and an ethical obligation, the federation therefore owes Soviet Jews a range of services based upon the Jewish and professional values it espouses.

These values also support services to other groups in the Jewish community. The vulnerability of children, single parents, the elderly, and the sick supports their moral claims for services. The claims of all these groups, as well as those of Soviet immigrants, are based upon the same set of values. As is typical of ethical dilemmas, the choice is "between two 'rights' and two 'goods' that possess equal weight and importance" (Linzer, 1989, p. 183).

On the surface this ethical dilemma appears to be equally balanced. Yet as one penetrates deeper, it turns out to be more complex. Soviet Jewry advocates also base their moral claim for preferential treatment on the value of corrective justice. They argue that this group is in a state of dependency and helplessness and should receive more services than the others in order to redress past inequities.

It is in the nature of advocacy that it presupposes forces that resist the advocate's initiative. There are forces in the community that oppose preferential treatment for Soviet Jews and insist that they settle in Israel. In this respect, they are allied with

the official policy of the government of Israel for seemingly correct reasons: Israel is the homeland for Jews, and it needs the Soviet Jews' scientific and professional knowledge and experience to help build and defend the state. Soviet Jews have a choice and Israel wants them. It is not as if they have nowhere else to go but the United States. Therefore, the argument continues, the Jewish community does not ethically "owe" Soviet Jews any preferential treatment. Local needs have never been greater, and the philanthropic dollar is inadequate to meet them. Why assume an additional burden that will reduce services to other groups? It is therefore not so readily apparent that Soviet Jews' moral claims for service take primacy over those of other groups.

RESPONSIBILITY OF RECIPIENTS

Another issue is the degree of responsibility in requesting services. Do Soviet Jews have an obligation to lower their expectations of the Jewish community? Can they legitimately claim entitlements commensurate with their former style of life, or must they reduce them because of fiscal constraints? These questions are alluded to in two talmudic stories that follow the two discussed previously.

> A certain man once applied to R. Nehemiah [for maintenance]. "What do your meals consist of," [the Rabbi] asked him. "Of fat meat and old wine," the other replied. "Will you consent [the Rabbi asked him] to live with me on lentils?" [The other consented,] lived with him on lentils and died. "Alas," [the Rabbi] said, "for this man whom Nehemiah has killed." On the contrary, he should [have said] "Alas for Nehemiah who killed this man!"—[The fact], however, [is that the man himself was to blame, for] he should not have cultivated his luxurious habits to such an extent (Ketubot 67b).

In this story, R. Nehemiah does not go out of his way to supply the poor man with his normal diet, as Hillel might have done. He is content to share his plain meals with the man. When the man dies, the Sages are confronted with the assignment of blame. Whose fault is it? The first view is that R. Nehemiah was responsible because he changed the man's diet so abruptly, and the man is pitied. The second view is that R. Nehemiah is pitied because he caused the man's death. The Talmud concludes that the man was to blame for his own death because he cultivated excessively luxurious habits. The Talmud places the onus on the poor person who should have reduced his expectations of the community's largesse. For the first time in its discussion of "sufficient," the Talmud imposes some responsibility on the poor in circumscribing their needs.

The next story is even more graphic in this point.

> A man once applied to Raba [for maintenance]. "What do your meals consist of?," he asked him. "Of fat chicken and old wine," the other replied. "Did you not consider," [the Rabbi] asked him, "the burden of the community?" "Do I," the other replied, "eat of theirs?" I eat [the food] of the All-Merciful; for we learned: The eyes of all wait for Thee, and Thou givest them their food in due season, this, since it is not said, "in their season" but "in his season," teaches that the Holy One, blessed be He, provides for every individual his food in accordance with his own habits. Meanwhile there arrived Raba's sister, who had not seen him for 13 years, and brought him a fat chicken and old wine. "What a remarkable incident!" [Raba exclaimed; and then] he said to him, "I apologize to you, come and eat" (Ketubot 67b).

Here, Raba could not have been more direct. By asking the poor man to consider the burden of the community, Raba was in effect declaring that Jewish communal funds were not unlimited and that excessive expenditures for one person may deplete resources for other people. The man, however, was somewhat of a sage himself. In answering Raba, he cited the theological

source for the mitzvah of tzedakah: God's ultimate ownership of all wealth and possessions and His provision for all people. Donors are only intermediaries between God and recipients; they are not expending their own funds for they are merely caretakers of God's property. The arrival of Raba's sister seemed to vindicate the man's argument. Raba's apology confirmed it.

This story reflects the tension between two equally powerful moral claims: the needs of the community versus the needs of the individual. Whose needs are paramount and in which circumstances? Does each party have any moral responsibility to defer to the other? Since funds are always inadequate to meet all of a community's needs, how should priorities be determined? How much is enough and how much is not enough? Are there any guidelines for determining the extent of the obligation to maintain an individual, a group, a service, without making any of them "rich"? The difficulty in answering these questions is reflected in the four talmudic stories that attempt to explain the meaning of the verse, "sufficient for his need in that which he wants."

Each of the stories presents a different nuance, another way of approaching the issue. By citing the principle of maintaining the poor without the obligation to "make him rich," the Sages have effectively endorsed parameters on individual and communal philanthropic expenditures. Giving tzedakah is not unlimited. Yet, it is in the nature of principles that they merely guide and do not specifically prescribe. Each ethically ambiguous situation is different, and a principle alone cannot resolve it. The variety of stories cited by the Talmud illustrates the complexity of applying the principle. In the codes of Jewish law, Hillel's action is preferred, but the poor's responsibility for reducing demands is also cited. When studied in depth, the stories reveal a rich repository of rabbinic thinking in the struggle to understand a complex moral and ethical issue.

RESOLUTION OF THE ETHICAL DILEMMA

In posing the ethical dilemma, we have resorted to a conceptual fallacy that prevents its resolution. We stated that ultimately the conflict is between the community and the individual/group, and the selection of priorities necessitates the choosing of one over the other. Although this statement can be made theoretically, practically it is neither tenable nor feasible. Analogously, if we were to frame the abortion debate solely as between the pro-choicers and the pro-lifers, there is no possibility of conflict resolution. The conceptual fallacy occurs when we resort to absolute principles in order to resolve conflict. Toulmin argues that

> moral wisdom is exercised not by those who stick to a single principle come what may, absolutely and without exception, but rather by those who understand that, in the long run, no principle, however absolute, can avoid running up against another equally absolute principle; and by those who have the experience and discrimination needed to balance conflicting considerations in the most humane way (Toulmin, 1981, p. 34).

When applying principles to ethics, Toulmin distinguishes between families and strangers. There are differences between our moral relations with our families, intimates, neighbors, and associates and between our moral relations with complete strangers. In dealing with spouses, children, friends, and close colleagues, we expect to make allowances for their individual personalities and tastes. In dealing with strangers, such as the bus driver, the hotel barber, or the movie ticket taker, there may be no basis for making these allowances and no chance for doing so. In transient encounters our moral obligations are limited and mainly negative, i.e., to avoid acting in an offensive manner. "So, in the ethics of strangers, respect for rules is all, and the opportunities for discretion are few. In the

ethics of intimacy, discretion is all, and the relevance of strict rules is minimal" (Toulmin, 1981, p. 35).

It is readily apparent that Soviet Jews are not in the category of strangers but rather intimates; they are fellow Jews, family, brothers, and sisters, and as such, the ethics of discretion should be applied. Given the shortfall in the Soviet Jewry Passage to Freedom campaign, may federations say to the immigrants that they are not welcome in the community? Is it right to say to a family member, "We have no room for you?" Somehow we sense that attitude to be wrong. It would reflect an absolutist, all-or-nothing stance, that either federations meet all the immigrants' needs or they exclude them after the saturation point has been deemed to be reached.

The ethics of intimacy suggests a more modified approach that is guided by discretion and avoiding confrontation. The search for compromise, informed by the talmudic principle of maintenance, has enabled federations to implement several significant cost-saving policies and practices. Volunteers have been enlisted to help the immigrants find jobs. Because of the amount of time involved in finding jobs and their scarcity in many fields, immigrants have been urged to accept their first job offers. Only first-degree relatives, such as parents, children, brothers, and sisters, but no cousins, have been accepted for absorption into the community. In some communities, federations have required relatives of new immigrants to provide funds or take out bank loans to finance their resettlement. These are considered to be realistic compromises between accepting all newcomers and accepting none.

Issues that are still being debated include whether federations should provide the newcomers with services or also with loans to be repaid and should the families be asked to repay the grants. With reference to loans versus grants, the Talmud, in discussing the preference for giving tzedakah, frames the issue in this way:

> Our Rabbis taught: If a man has no means and does not wish to be maintained out of the poor funds, he should be granted the sum he requires as a loan and then it can be presented to him as a gift; so R. Meir. The Sages, however, said: "It is given to him as a gift and then it is granted to him as a loan. As a gift? He surely refuses to take gifts!" Raba replied: "It is offered to him as a first instance as a gift" (Ketubot 67b).

Since the opinion favors the Sages, the funds and services are to be offered first as a gift and then as a loan. The gift does not enhance the recipient's dignity, whereas the loan does. Federations could be guided by this discussion in the Talmud. A difference might be made between services and cash grants, in which the former is offered as a "gift" and the latter is offered as a "loan." The services are an act of tzedakah, and the cash loan is an act of *gemilat hesed*—loving/kindness.

CONCLUSION

The Soviet Jewish resettlement policies of Jewish communities are still evolving. The community's ethical struggle to act with sensitivity to the plight of the immigrants and to meet its fiscal obligations to various constituents is heroic and ongoing. In the allocation of scarce resources, difficult choices are being made based on Judaic and professional values and economic realities. From a talmudic and ethical point of view, guidelines exist to resolve the dilemmas, but ultimately the decision is in the hands of the professionals and lay leaders involved.

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