

A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? – TEXT 1

משנה גטין ד:ב

בְּרֵאשׁוֹנָה הָיָה עוֹשֶׂה בֵּית דִּין בְּמָקוֹם אַחֵר וּמְבַטְלוֹ. הִתְקִין רַבֵּן גַּמְלִיאֵל הַזֶּקֶן שֶׁלֹּא יִהְיוּ עוֹשִׂין כֵּן, מִפְּנֵי תַקּוּן הָעוֹלָם. בְּרֵאשׁוֹנָה הָיָה מְשַׁנֶּה שְׁמוֹ וְשִׁמְיָהּ, שֵׁם עִירוֹ וְשֵׁם עִירָהּ. הִתְקִין רַבֵּן גַּמְלִיאֵל הַזֶּקֶן שֶׁיִּהְיֶה כּוֹתֵב, אִישׁ פְּלוֹנִי וְכָל שֵׁם שֶׁלּוֹ, אִשָּׁה פְּלוֹנִית וְכָל שֵׁם שֶׁיֵּשׁ לָהּ, מִפְּנֵי תַקּוּן הָעוֹלָם:

MISHNAH GITTIN 4:2

Initially, the husband could convene a *bet din* in another location in order to annul his *get*, but Rabban Gamliel the Elder made a decree [*hitkin*] that this should not be done, for reasons of *tikkun olam*. Initially he [the husband] could change his name or his wife's name, the name of his city or her city. Rabban Gamliel the Elder made a decree [*hitkin*] that what should be written was, "Mr X and all the names he has/Mrs X and all the names she has" – for reasons of *tikkun olam*.

משנה גטין ד:ו

הַמּוֹכֵר עֶבֶדוֹ לַגּוֹי אִם לְחוּצָה לְאֶרֶץ, יִצָּא בֶן חוֹרִין. אִין פּוֹדִין אֶת הַשְּׂבִיִּין יוֹתֵר עַל כְּדֵי דְמִיָּהוּ, מִפְּנֵי תַקּוּן הָעוֹלָם. וְאִין מְבָרִיחִין אֶת הַשְּׂבִיִּין, מִפְּנֵי תַקּוּן הָעוֹלָם. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, מִפְּנֵי תַקְנַת הַשְּׂבִיִּין. וְאִין לּוֹקְחִים סְפָרִים תְּפִלִּין וּמְזוֹזוֹת מִן הַגּוֹיִם יוֹתֵר עַל כְּדֵי דְמִיָּהוּ, מִפְּנֵי תַקּוּן הָעוֹלָם:

MISHNAH GITTIN 4:6

If a person sells their slave to a non-Jew outside of the land of Israel, the slave must be set free. We do not ransom captives for more than their value because of *tikkun ha-olam*. And we do not help captives to escape, because of *tikkun ha-olam*. Rabban Shimon ben Gamliel says, because of the welfare [*takanah*] of the captives. We do not buy books, *tefillin* or *mezuzot* from non-Jews for greater than their value because of *tikkun ha-olam*.

STUDY QUESTIONS

- What does the term *tikkun olam/ha-olam* mean in these texts?
- Can you extrapolate a greater principle of social justice from that? What is it?
- Do you think the principle can be described as 'conservative' or 'liberal'? Why/why not?
- Is that principle applicable to us today? How?



A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? – TEXT 2

תלמוד בבלי כתובות נב.ב

אין פודין את השבוין יותר על כדי דמיהם, מפני תקון העולם. הא בכדי דמיהן פודין, אף על גב דפרקונה יותר על כתובתה ורמינהי: נשביית, והיו מבקשין ממנו עד עשרה בכתובתה - פעם ראשונה פודה, מכאן ואילך, רצה - פודה, רצה - אינו פודה רבן שמעון בן גמליאל אומר: אם היה פרקונה כנגד כתובתה - פודה, אם לאו - אינו פודה.

BABYLONIAN TALMUD, *KETUBOT* 52B

[Rabban Shimon ben Gamliel ruled:] “We do not ransom captives for more than their value, because of *tikkun ha-olam*”. Hence, we should redeem them for their actual value, even if the cost of a [female] captive’s ransom is greater than that of her *ketubah*. But contrast the following teaching: “If a woman is captured, and her captors demand any sum up to ten times her *ketubah*, he [her husband] must pay it the first time the demand is made. If it is for more than that, he can ransom her if he wishes to, but if not, he does not have to.” Rabban Shimon ben Gamliel says: If the cost of her ransom is equivalent to her *ketubah*, he must redeem her, and if not, then not.

STUDY QUESTIONS

- What does the term *tikkun olam/ha-olam* mean in this text?
- Can you extrapolate a greater principle of social justice from that? What is it?
- Do you think the principle can be described as ‘conservative’ or ‘liberal’? Why/why not?
- Is that principle applicable to us today? How?

