Israelis who are concerned with civil law should be incensed not only by the fact that these rulings contradict the principles of justice and impartiality that are implicit in Torah law, but also by the rulings' affront to Israeli democracy that these rulings imply, since all Jews are bound by dina de-malkhuta dina. The rulings imply discrimination against women, which is repudiated by the Declaration of Independence and rejected by the Basic Law: Human Dignity and Liberty, according to which all citizens, male and female alike, are ensured that they will be free to live in dignity as long as they abide by the rule of law.



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After Madoff: An Rx for Communal Health

SHMARYA ROSENBERG

s the scope of Bernard Madoff's massive Ponzi scheme became clear, a friend who holds a PhD in finance tried to cope with the enormity of it all the way Jews have often coped with bad news. Like the apocryphal Jew reading Der Stürmer for the good news — "we" own the banks, "we" control the media, "we" are rich and powerful and in control my friend quipped that the one good thing about what Madoff did is that it can't get worse.

Unfortunately, it can and probably will, unless we act to stop it.

To be sure, every ethnic group and religion has its criminals — from petty thieves and killers to big-time swindlers and mass murderers. As we all should have learned long ago but still haven't, religion doesn't provide immunity from criminal impulses. In fact, what it often does and what it did in Madoff's case — is provide easy access to a large pool of trusting victims. As I write this, there is an alleged South African Madoff, an alleged Florida Madoff, and even an alleged Israeli ultra-Orthodox Madoff, and this brief list is by no means complete. Each preyed on — and prayed with — many of his victims.

But these Madoffs aren't alone. Here's an abridged list of a few very identifiably Jewish Jews currently in trouble with the law:

- A Hasidic kosher meat provider convicted on 86 counts of bank, wire, and mail fraud, as well as money laundering and aiding and abetting, who is still facing immigration law charges. He, his father, and others also stand accused of more than 9,000 counts of child labor violations.
- An ultra-Orthodox rabbi convicted of cheating poor, illiterate Eastern Europeans out of their life savings in a crooked mortgage scheme. After his prison sentence, on his return to Lakewood, N.J., he was greeted as a hero at a festive banquet held in his honor and attended by the town's

leading ultra-Orthodox rabbis.

- An ultra-Orthodox woman in New York whose product diversion scam allegedly fleeced major corporations around the U.S. out of hundreds of millions of dollars.
- New Jersey and Brooklyn-based Syrian rabbis accused of money laundering, and the Hasidic rabbi in Brooklyn arrested with them who was accused of organ trafficking.
- Ultra-Orthodox child rapists and abusers — more than 20 in Brooklyn alone — and an even larger number of rabbis and communal leaders who enable them.

Enable them?

As Dov Hikind, an Orthodox New York State Assemblyman from Brooklyn recently noted, "If you're a child molester, the best community to come to [are the ultra-Orthodox communities of] Borough Park, Flatbush, Lakewood, or Monroe. Your chances of being arrested are much smaller because people don't press charges. Even if a rabbi gets kicked out of a yeshiva for doing things, he goes to another yeshiva. No one does anything about it."

Two common threads run through many cases from the Orthodox community. The first is a Jewish law that prohibits speaking badly of another Jew, even if what is said is true. The second is another Jewish law that prohibits turning over a Jewish criminal to secular authorities. While some writers may claim that Jewish law doesn't prohibit turning in a Madoff or a molester, or point to cases in which a Madoff or a molester was turned in, these cases are exceptions and not the rule, and authorities they quote are matched by other authorities that say one is forbidden to do so. Tell your average non-Orthodox Jew that Jewish law forbids calling police on the Jew who sexually molested her child or raided her retirement fund, and she'll call anyway. Tell it to an Orthodox Jew, especially an ultra-Orthodox Jew, and odds are she won't.

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in Sh'ma

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There are two types of Jewish criminals: the Bernards and the Baruchs. While each operates in the big tent we call the Jewish community, the pathology of each is quite different.

It can be argued that Bernard Madoff committed his crimes as an American; Jewishness other than providing a pool of trusting victims played no real role.

But for others, insularity from non-Jewish society and its laws is a key component of their crimes. Insularity informs how they act; and, because their religious communities share that unease, it informs how those communities view them.

Jewish communities should clean our com-

munal houses of both types of criminals and criminal behavior. If a synagogue or organization received donations from a Madoff, the money should be returned, and the plaque honoring the donor should be removed. We should also refuse to honor or work with rabbis and communal leaders who condone crimes or forbid calling police on Jewish criminals. Make the price of honoring or enabling criminals higher than its benefit.

As it now stands, there is little if any communal cost for organizations that take dirty money, or for rabbis and communal leaders who wink at crime.

We need to change that immediately.



Understanding Malfeasance

DAVID ZWIEBEL

re Haredim more prone to illegal or unethical conduct than others? Once upon a time, the question would have appeared absurd. In recent years, however, with headline after headline reporting case after case of alleged malfeasance by Haredi Jews, the perception has now become widespread that the most ritually rigorous sector of the Jewish community is also the most ethically lax.

What remains unknown, though, is how much that perception owes to reality and how much to a prejudice among people toward the Haredim or the visibility of Haredi Jews (most Americans don't wear their religion on their sleeves - or suits or skirts or heads).

When people ask me if Haredim are more prone to unethical or illegal conduct, I respond that I don't know. No one does. I'd like to think that the Torah's own exacting standards, as well as halakhah's insistence that Jews respect the laws of the lands in which they reside, elevate Orthodox Jews to a higher plane of ethical conduct. Surely, none of us should be jumping to negative generalizations.

But there can be no denying that there are Jews, including Orthodox and Haredi Jews, who have engaged in wrongdoing. It behooves us all to bemoan that sad reality, and it obliges those of us in the Orthodox world to try to understand how Jews who are focused on doing things Jewishly right can engage in conduct that is Jewishly wrong.

And Jewishly wrong it is to misappropriate money from its legal owners, be they Jews, non-Jews or a legitimate government like ours. I recall vividly an address nine years ago by the

revered dean of Yeshiva Torah Vodaath and member of Agudath Israel's highest rabbinic body, Rabbi Avrohom Pam, of blessed memory, at the last Agudath Israel national convention of his life.

Rabbi Pam was too ill to attend the convention in person, but videotaped his address beforehand so that his words could be shared with the thousands in attendance. He pointed out that it makes no difference whether one is acting as an individual or on behalf of an institution, or whether one is dealing with a Jew, non-Jew, or government. "Meticulous honesty," he declared, is the mandate of every Jew, and must be "the hallmark of every observant Jew."

Why, then, is it not? I offer my thoughts not as an excuse for bad behavior, but as a means of trying to identify some of the factors that may cause it, in the hope that understanding might lead to improvement. I will focus on two factors in particular: ignorance and poverty.

Many financial crimes are born of ignorance, which is often a by-product of insularity.

It might be safe to assume that Bernard Madoff was quite aware that his conduct was illegal, but that is not necessarily so for Yankel, whose friend asked him to deposit a personal check and then transfer the funds to a business client. "Money laundering" might not be a term Yankel has ever heard, much less a concept whose illegality he realizes. And then there is the rabbi operating a free loan fund who never knew he had to register with the state, and the tax avoidance strategy suggested to Moishe by an acquaintance who assured him it was legal...

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