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## Orthodox Involvement in Jewish Communal Philanthropy

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I have been asked to discuss Orthodox involvement in Jewish communal philanthropy, specifically including but not limited to Federations. This is not a new question, but it is a question that has relatively new dimensions in view of changes in Orthodox life and changes in the Federation world, particularly in the sphere of the New York Federation, whose service area encompasses a substantial proportion of Orthodox Jews in the United States.<sup>1</sup>

As I shall try to develop and justify, in my view, except in specific and limited circumstances, there is no halachic, moral, or other obligation to participate in Federation, either through voluntary activity or voluntary contributions. Tzedakah is at once a mandatory activity and a discretionary activity, the former because we are required to give charity and the latter because we generally, but not always, may

choose what causes or institutions we wish to support. Even within the confines of discretion, which is to say that we have the option of contributing to Federation, it may be asked whether contributing to Federation fulfills an individual's tzedakah requirement. This is, of course, an issue entirely separate from whether such contributions are regarded as charity under the Internal Revenue Code. In the case of the New York Federation, it needs to be asked whether, in view of its past hostile attitude toward yeshiva and day school education, manifested in its extraordinary decision to terminate the basic grants it had been making to these institutions, it is appropriate for Orthodox Jews to participate in its work and to contribute. There has been improvement of late in the Federation's attitude in programming, but there is still a way to go.

It is of note that the question that I am responding to concerns Orthodox Jews and not the 90 percent of U.S. Jews who are not Orthodox. I cannot recall any symposium among the non-Orthodox inquiring as to the nature of their tzedakah obligations.<sup>2</sup> Part, but not all, of the explanation is that, after all, it is the Orthodox Forum that is considering Jewish philanthropic issues, and understandably its focus is on the segment of American Jewry that it is part of.

Yet, when we consider the inordinate attention directed to nearly all aspects of Orthodox behavior, both from within the larger confines of American Jewry and also from sources entirely outside of Jewish life, the appropriate conclusion is that Orthodox Jews are regarded as an exotic species worthy of exacting scrutiny. Thus, we are constantly subjected to nearly microscopic examination, a process that is advanced because we Orthodox are also blessed by a high degree of self-examination. I do not share the view of too many naive religious Jews that the attention we receive is a form of flattery.

Although the data are limited, the clear impression is that in Israel and this country, and by a comfortable margin, the Orthodox outstrip in voluntary communal work and in voluntary charitable giving the record of other Jews.<sup>3</sup> It could not be otherwise, because the Orthodox regard tzedakah as a mitzvah and not merely an act that is appropriate or desirable. In the United States, an enormous number of Jews who are still regarded as Jews by our demographers have walked entirely

or nearly entirely away from Jewish commitment or identity. They do not support our causes, nor should we think that in the aggregate, the deficit of these Jews in Judaic engagement, including charitable giving, is compensated for by voluntary and charitable activity outside of Jewish life. Like most Americans, most of these Jews contribute little, either of their time or financial resources.

Although Orthodox voluntary activity is greater than such activity among other Jews, Orthodox volunteerism is seriously in decline. This is evident in the primary zones of communal life, notably synagogues and day schools, a development that reflects the decline of volunteerism in American society, a fascinating sociological phenomenon that has escalated in recent decades and whose consequences are felt in all kinds of organizational and institutional activity. Among the Orthodox, there are parochial factors that diminish volunteerism, specifically the high fertility rate and therefore the extraordinarily large family size that creates the obligation or necessity to spend more time at home, and also the increased commitment, primarily among male adults, to informal Torah study. A corollary development is the increased role of women in voluntary Orthodox activity, reflecting here too the trend in the general society. This compensates, to an extent, for the reduced role in communal activity of adult Orthodox men. Overall, the trend is for checkbook Judaism to serve as a substitute for voluntary activity.

Irrespective of where they contribute or whether they should include Federation and community-wide campaigns in their charitable allocations, there are strong indications that the Orthodox do not contribute as much as they should, a point made by Rabbi Moshe Feinstein in a responsum and often in speeches at the annual convention of Agudath Israel. The high cost of day school tuition, which strictly speaking is neither tzedakah<sup>4</sup> nor regarded by IRS as tax deductible, takes a large toll on how Orthodox parents view their obligation to contribute to charitable causes. Whether or not this is appropriate, tuition is in many homes a disincentive to give tzedakah.

But this should not serve to get the Orthodox off the hook, because a potent factor in the failure to give ma'asser is the powerful instinct toward hedonism, the often irresistible impulse toward self-indulgence. For all of their complaints about tuition and the high cost of religious

Jewish living, Orthodox self-indulgence has grown enormously, even out of control, in the recent period. We can blame the larger society for this, and it certainly is true that conspicuous consumption which is a prominent feature of American life does not stop at the entrance door of the typical Orthodox home. It enters that home and controls critical expenditure decisions made by the Orthodox, the upshot being that too often tzedakah loses out. It is remarkable that in the current period of unprecedented and greatly expanded Orthodox affluence, yeshivas and day schools and our institutional life generally do not reflect this changed circumstance.<sup>5</sup>

Without poaching too much on territory to be examined by other contributors to this symposium, charitable giving among the Orthodox is beclouded by a lack of clarity regarding critical halachic parameters, specifically how to calculate ma'aser or tithing requirements under financial arrangements in which assets are largely located in investment accounts, some of which cannot be touched until retirement, or in other investment modes that even if they appreciate in value do not provide the investor with ready income. There is unfortunately a paucity of halachic guidance regarding this and related tzedakah issues arising from increasingly complex new financial arrangements.<sup>6</sup>

### **ORTHODOX CHESSED ACTIVITY**

However we may assess the adequacy of Orthodox giving or voluntary activity, in the aggregate the record of the Orthodox in chesed activity is impressive, dwarfing by a wide margin what occurs elsewhere in Jewish life, and specifically dwarfing in the main centers of Orthodox life, including the New York area, what Federation accomplishes. Nearly every nook and cranny of individual and communal need has an Orthodox response in the form of organized voluntary activity purposefully created to meet that need. The Orthodox do not have anything to apologize for in this regard. The implication inherent in the questions posed for this conference and expressed more blatantly in other contexts, inadvertently or not, distorts a record that is one of the glories of contemporary Orthodox life.

Inordinately, Orthodox chesed activity is the product of the initiative and creativity of the yeshiva world and chassidic sectors of Orthodoxy, a point that I am making so that the basic philanthropic profile presented here be accurate rather than as criticism of the Modern Orthodox.

Incorporated in this array of activity are an extraordinary number of projects that assist the poor, provide in-hospital services, help the elderly, frail, and homebound, provide ambulance services, arrange treatment for parents who are infertile, assist families that are in mourning, and do a great deal more. A reckoning of all of these voluntary activities that included no more than a sentence or two describing each project would occupy much of the space allocated for this paper.

These activities do not include the incessant and some say bothersome campaigns to raise funds for families in distress, usually because of a tragedy, nor do they include the large-scale fundraising campaign each year before Rosh Hashanah and Pesach for kollel and other needy families in Israel. Tens of millions of dollars are raised each year by these campaigns, and just about all of what is contributed comes from Orthodox donors.

Admittedly, it is not possible to estimate the amounts raised and spent on all Orthodox-sponsored chesed projects because there is no central coordinating agency among the Orthodox for these projects. With exceptions, few of the Orthodox projects are characterized by a desire to promote transparency, a circumstance that arises far less from a determination to avoid disclosure than from the ad hoc nature of much of Orthodox chesed activity and greater focus on helping those in need than on certain of the niceties of organizational life.

This is in contrast to the Federation approach. A useful illustration are the bikur cholims. They generally are neighborhood-based organizations that provide, on a voluntary basis, vital services for sick and needy persons. With its great instinct for bureaucracy, invariably accompanied by public relations hoopla, the New York Federation years ago established a bikur cholim coordinating council. This gratuitous agency provided no meaningful services and

accomplished very little. Its apparent disappearance has been scarcely mourned.

At the least, the total outlay for all of Orthodox-sponsored chesed activities is in the hundreds of millions of dollars each year, but not all of the contributors are Orthodox and certain projects receive a good measure of governmental funding. Nor is it possible to know how many persons are assisted each year by Orthodox chesed programs because here, too, there are agencies that either do not keep records or are loath to publicize who is being served. The number is obviously very high, probably far greater than the number assisted annually by Federation, at least in the New York area. The New York Federation places a relatively small ad each week in the *New York Jewish Week* and, I believe, other Anglo-Jewish newspapers. These are brilliantly executed exercises that invariably make extravagant claims about what is being accomplished and who is being helped as a consequence of Federation assistance. The degree of distortion is often astonishing, as when a grant of perhaps a couple of thousands of dollars to an institution or agency with an annual multimillion-dollar budget serves as the springboard for the claim that all who are being helped by the institution or agency are the direct beneficiaries of Federation.

The distinctive feature of Orthodox chesed is that it is direct, relying only minimally, if at all, on intermediate bureaucratic intervention. It is also, in most instances, a voluntary activity, and so there are dozens of Orthodox initiatives that do not have any paid staff. The Orthodox record is more impressive still when we consider that this is the smallest segment of American Jewry and, even with recent economic gains, the least affluent.

Any reckoning of Orthodox charitable activity must include the religious sphere, primarily synagogues, day schools, and yeshivot, although there are other vital religious activities including outreach programs and mikvaot. The cumulative budget of Orthodox institutions is enormous, with the day school and yeshiva portion alone (exclusive of preschool and kollel) amounting to more than \$1.5 billion annually just on the operating side. Capital expenditures are additional and also substantial because enrollment growth, inevitably

fed by the high Orthodox fertility rate, results in the constant need for additional space and seats. Although tuition and mandatory fees cover the lion's share of the typical day school/yeshiva budget, in the aggregate at least one-third has to be raised through contributions.<sup>7</sup> Even if tuition is not regarded as tzedakah, as with synagogue dues, tuition payments help to sustain the infrastructure of Orthodox communal life.

In turn, tuition has a direct bearing on the question of Orthodox involvement in Federation or other essentially secular organizations and activities. In a handful of communities, including but not limited to Baltimore, Cleveland, and Boston, individual philanthropists, working at times with Federation, have made major gifts that assist local day schools and, to an extent, alleviate tuition pressure on parents. Generally, Federation support of day schools is no more than minimal, and what the New York Federation does to assist our most vital communal institutions is less than minimal.<sup>8</sup>

Federation minimalism is no barrier to its claiming bountiful support. In one of the ads that I have referred to, published in the November 9, 2007 issue of the *Jewish Week*, we are told that "this week" Federation "made it possible for 227 day schools and yeshivot to offer Jewish education to children throughout the metropolitan area." I guess that the Federation public relations experts believe that if the organization is going to distort the record, it may as well do it big time.

This brief accounting of Orthodox communal outlays does not include nonprofit camps, many of which provide huge discounts for needy families. Nor does it include Orthodox-sponsored schools and programs for special children. It is telling, with respect to the issue facing the Orthodox Forum, that in the New York metropolitan area, all or nearly all Jewish educational services for special children are under Orthodox auspices. Mention needs to be made of the vast and rapidly growing Chabad network, which provides a smorgasbord of religious and human services.

In view of the broad range of religious and socio-psychological services provided by Orthodox institutions and programs, it surely can be asked on what basis there is any obligation to participate in

Federation and any other community-wide activities that purport to achieve what the Orthodox are clearly doing more broadly, more efficiently, and more economically.

One answer is the desirability of Jewish unity expressed through activities encompassing all sectors of American Jewry. Because unity or coordination or even interaction is not attainable in the religious domain, as there are insurmountable theological and ideological barriers, we should strive to achieve cooperation in those spheres where such barriers are not formidable or do not exist, and Federation may be the right place for this.

This argument is attractive and cannot be easily dismissed with the rejoinder that cooperation with the non-Orthodox never yields benefits. If this were true, in what ways are we one people? Would we claim that there is no justification for cooperation regarding Israel or in combating anti-Semitism?

Yet, all that this argument can lead to is an opening of the door to discretionary involvement, with each of us who is Orthodox deciding whether working with Federation or other essentially secular Jewish activities is something that we want to do. I doubt that more than a few of us would go through that door, if only because the Orthodox, who are blessed with an instinct for voluntary communal activity, are, in a sense, maxed out by intra-Orthodox responsibilities. There isn't time or other resources to commit to Federation or other outside groups. It is of note that as a by-product of the decline of volunteerism and the burdens on Orthodox parents that I touched on earlier, Orthodox shuls and schools are often scarcely able to recruit competent persons who are willing to serve actively as officers or board members.<sup>9</sup>

Orthodox communal activity generally focuses directly on what is to be achieved, whether the goal is to provide a religious education or to fulfill a religious obligation to help the needy. On the other hand, Federation and secular organizations tend to focus far more on the imperatives of organization. There is an endless array of meetings, conferences, and other sterile activities. Federations are high-cost operations, with expenses for staff, facility, public relations, and fundraising. There are additional outlays for traveling and conferencing.



The annual campaign for Federations has been stagnant in most communities, certainly not keeping pace with increased costs and needs. One reason for this is the growth of private Jewish philanthropies, as the superrich who are Jewishly involved increasingly want to do their own thing. Another contributor to the financial stringencies in the Federation world is the abandonment by many Jews of any sense of Jewish identity and commitment. A number of studies have shown that to an astonishing extent, affluent Jews who make charitable gifts favor non-Jewish activity.<sup>10</sup>

The inevitable consequence of stagnant fundraising is that a higher proportion of the typical Federation budget goes to keep the Federation in business.

Additionally, Federations do not do much to assist what is inherently important to the Orthodox. They do not generally support day schools in a meaningful way, in large measure because overwhelmingly the non-Orthodox remain opposed, at times stridently, to day school education. Far more than we may want to acknowledge, Federation activists believe that parochial school education is bad for America and bad for Jews. They believe that the American Jewish ideal is loyalty to public education, and that support for day school education violates that ideal.

By what bizarre moral compass are we obligated to assist those who are hostile to our most fundamental communal needs? There is a coldness toward our religiosity. We are being tolerated, with some measure of accommodation to certain religious principles. Kosher food is now par for the course at many Federation functions, and in most instances, activities that desecrate the Sabbath are shunned, although this is changing in the direction away from halacha. This is an improvement over what once was, yet I doubt that this accommodation provides a sufficient justification for involvement in Federation. These accommodations cannot wash away the bad taste arising from the growing encouragement of intermarriage, support for gay marriage, or the acceptance of practices that are entirely antithetical to our religious teachings. This reality is not an incidental aspect of contemporary Jewry. It is a major story and not something that can be explained away.

It is not only in the realm of attitudes that the secular Jewish world, including Federations, is antithetical to the teachings and values that we Orthodox should cherish. At the programmatic level as well, there is expanding blatant violation of religious norms and sensibilities through the promotion and support of activities that endorse practices that are incompatible with the halachic way. This is a dynamic process; what we see today is likely to be relatively benign when compared with what will arrive tomorrow. The secularist argument that a deliberate effort must be made to reach out to alienated Jews—most of them younger—who are not interested in our conventional activities is now a mantra in the Federation world. It is said that organized Jewish life must be adjusted to the reality of intermarriage and advanced assimilation. Our programming must be in sync with whatever grabs the attention of younger Jews, and if this includes behaviors that are repulsive to our traditions, so be it.

Even if we assume that this argument has merit for secular Jews, it cannot serve as the basis for religious Jews being involved in activities that are blatantly incompatible with halacha. In my view, active engagement in the Federation world inevitably means at least tacit acceptance of that which should not be acceptable.

The argument is made that if Orthodox Jews were active in Federation, they would have significant influence on allocations and policies. Interestingly, this tack was taken more frequently a generation ago than it is now, I suspect because the past decades have provided little evidence that it is valid. A handful of Orthodox have had key Federation positions in New York, and while their exertions reaped the transient fruit of their being given prominent positions, their advancement has not been translated into meaningful changes in what Federation does. To the contrary, especially in day school education, the results have been dismal.

One reason why Orthodox involvement cannot bring about significant payoffs in funding and other decisions is that each Federation has a culture and a history, and neither can be readily altered. There are expectations arising from each Federation being a participant in a vast continental network of agencies, and there are expectations arising from the linkages that each Federation has with

the constituent agencies that serve its catchment area. Although in a broad sense each Federation is the master of its universe, the priorities established for the overall network result in demands on each local Federation. At the same time, constituent agencies expect to continue to be fed by the mother agency.

Added to this consideration is the critical development that, as leaders of American Jewish philanthropy acknowledge, Federation is largely yesterday's story as mega-rich Jewish donors who are also Jewishly involved have pulled away from Federation and established their own private foundations that reflect the donors' commitments. As a consequence, Federation's role in Jewish communal life has been diminished, a process that is dynamic and irreversible. In short, Federation is or is becoming an anachronism. Because no one has figured out how to put dying Jewish organizations out of their misery, the Federation world continues to play-act as if we are still in the post-World War II period when Federations were in their heyday.

By contrast, the voluntary chesed network that is sponsored by the Orthodox is imbued with great vitality. The focus is on helping people, and this is life-giving.

### **ARE THE ORTHODOX TOO PAROCHIAL?**

There is one fly in the ointment of Orthodox chesed and voluntary communal activity. It is the parochial inward-looking attitude toward determining who should be served. Not entirely, but to a large extent, there is a concentration on assisting their fellow Orthodox, to the exclusion of those who do not share their religious commitments. I wonder whether this tendency is halachichally permitted or morally appropriate and, more narrowly, whether it is prudent to deliberately exclude the non-Orthodox.

Is this tendency present in day school education, which is now our primary communal activity? There is no requirement for the Orthodox to support schools and activities that are outside of their religious ambit, no more than there is an obligation to provide support for non-Orthodox synagogues. To the extent that non-Orthodox institutions depart from halachic standards, it may be inappropriate for the Orthodox to be of assistance. Orthodox Jews who are involved

in programs or activities that encompass all or nearly all of the day school world, as I am, are, as a practical matter, engaged in providing support to schools affiliated with all of the denominations, and there is no possibility that assistance could be limited to one sector, to the exclusion of the rest.<sup>11</sup>

What about the willingness of Orthodox institutions to reach out to accommodate the non-Orthodox? Most of our shuls are not sufficiently friendly places, neither to the Orthodox who might drop in occasionally or to the non-Orthodox who might want to participate in an Orthodox service. The commitment to beginners' services and other outreach activities that are associated with tefila appears to have waned. Except for Chabad, I believe that Orthodox shuls are becoming relatively homogeneous places.

As for day school education, since it is the most effective vehicle for ensuring a life of religious commitment, there is a heightened obligation to include students from non-Orthodox homes whose parents want their children to have an Orthodox education. From the formative years of day school education in the 1940s and 1950s until perhaps the 1980s, Orthodox schools—including many in the yeshiva world—were open to at least some non-Orthodox students. With the limited and decreasing exception of Modern Orthodox schools, this is no longer the case, in many instances in the New York metropolitan area because of a shortage of seats and, more generally, because of the fear of both school officials and parents that children from less religious homes may be a bad influence on children from Orthodox homes.<sup>12</sup>

Whatever the reasons for exclusionary day school admission policies—and I recognize that there is a serious issue as to whom to admit—the result is that many children in marginally religious homes, as well as their families, are being deprived of the opportunity to grow in Judaism through a religious day school education.

There is no justification for the receding of Orthodox involvement in schools with a kiruv orientation, particularly those that serve immigrant families. There once was much excitement about these schools, and they were regarded as a primary Orthodox communal obligation. This is no longer the case. Enrollment in

kiruv and immigrant schools has declined substantially.<sup>13</sup> Some have closed, while others are limping along, attempting to get by on puny budgets that provide but a quarter or less of the annual per-student expenditure in many Modern Orthodox schools. Chabad is once more the exception, as their admission policies at schools that do not primarily serve Chabad families are extremely liberal.

In the chesed domain, exclusionary attitudes and policies should be inherently suspect. How can assistance be denied to persons, poor or otherwise needy, because they are not sufficiently observant? In fairness, there are major zones of Orthodox chesed activity that are not exclusionary. Furthermore, as occurs in all forms of social interactions it is often unavoidable that physical proximity and religious affinity result in what appears to be exclusivity, even when there is no set policy. It is far less likely that the non-Orthodox will seek assistance from an Orthodox agency or, to put the matter differently, that the Orthodox will be aware of which non-Orthodox require assistance. At times, what seems to be deliberate rejection is no more than the outcome of living separately and other social divisions. Hatzalah does not turn down calls from the non-Orthodox, nor do bikur cholims ignore the non-Orthodox in their hospital visits and other activity.

The sick, frail, and elderly among the non-Orthodox tend to be served by Orthodox-sponsored programs. The non-Orthodox poor are not as fortunate.<sup>14</sup> The Tomche Shabbos organizations are, as their name suggests, available only to assist the poor who are observant. So it is with other activities. Is this justified?

One possible justification is the higher incidence of financial need among the Orthodox resulting from their large family size, the great number in kollel, and parents who are in chinuch, as well as working-class religious Jews whose earnings are not sufficient to meet basic needs, including tuition. It is a challenge for the Orthodox to meet the needs of their own. If the non-Orthodox were served as well, the inevitable result would be a reduction in what is available to religious Jews. Regrettable as it may be, the Orthodox need to establish boundaries and limits, and it is reasonable to include the Orthodox and not other Jews who may have other support systems to rely on.

This may serve as a justification for not proactively reaching out to the non-Orthodox. Is it acceptable, however, to turn away those who ask for assistance? Halacha requires that in the giving of charity, we may not turn aside non-Jews. The commentators disagree whether this applies only to situations where Jew and non-Jew ask for assistance at the same time or even when the non-Jew is alone. In any case, the explanation for including non-Jews is referred to as *darkhei shalom*, the preservation of amiable relations or, alternatively, the prevention of animosity. It should be elementary, therefore, that if any Jew seeks assistance, as family, all Jews have a much stronger claim than non-Jews, it is not permissible to reject that person on religious grounds. The *darkhei shalom* rationale is particularly relevant in this situation, for the rejection of someone who is not observant enlarges the prospect that this person will be further alienated from Judaism. Especially in our *tzedakah* activities, Orthodox Jews must be caring and not show what will be interpreted as a cruel side.

I have believed for years that as an instrumentality of *kiruv* we ought to involve in a helping way the non-Orthodox in our impressive *chesed* activity, whether to help deliver food packages to the poor or be involved in *Hatzalah's* emergency services or to go along on *bikur cholim* hospital visits or any of many other *chesed* projects. This involvement would show a face of Orthodoxy that unfortunately is not sufficiently known to those who are outside of our community. They should be shown how *chesed* is integral to Torah living.

*Kiruv* efforts predominantly emphasize learning, courses, and activities that involve *tefila* or the study of religious texts. Learning is crucial in the journey to greater religious commitment. However, because textual study requires much concentration and basic knowledge, there are those who are interested in Judaism who are turned off, either never beginning the journey or abandoning it along the way. Why should we not avail ourselves of the spiritual and emotional elements inherent in *chesed* activities, utilizing them as outreach techniques? We Orthodox have what to sell. Why do we limit our market?

From this perspective, the question that should be asked is not whether Orthodox participation in Federation and community-

wide projects is appropriate but how best to engage Jews outside of Orthodoxy in our chesed activity.

### INTERCOMMUNAL ACTIVITY

As I reflect on what I have written, I fear that my words will be read as totally negative, closing the door on relations between the Orthodox and the rest of American Jewry. This is not my intention, nor is it the way that I have conducted my communal activities over a great number of years. The questions facing this conference concern our philanthropy, and this is a limited area where the Orthodox shine, and where, in my view, there is no requirement to be engaged in the broader arena of Jewish philanthropy, although some may choose to do so. There are other vital zones of activity and possible collaboration between Jews who are not Orthodox and those who are. There may be good reasons for the Orthodox to be involved in these other areas, because their involvement can bring about benefits that may not occur without their participation. This is true of Israel advocacy and other paths to support the Jewish state, combating anti-Semitism and anti-Jewish bias, efforts on behalf of Jews throughout the Diaspora, and American public policy issues.

In Israel advocacy and other activities on behalf of the Jewish state, it is clear that Orthodox Jews are not on the sidelines. Whether at Salute to Israel parades or rallies on behalf of Israel or contributions to Israeli causes, the Orthodox are involved to a degree far greater than their number and also far greater than their financial wealth.

I have excluded theological engagement and cooperation of the kind proscribed by halachic authorities. Thankfully, the issue of trans-denominational rabbinical and congregational agencies is no longer on our agenda. To the extent that American public policy matters entail halachic issues—gay rights is one example—the legitimacy of our cooperation and even interaction may be called into question. We ought not to dismiss the implications of policies that are antithetical to our religious teachings.

In the 1960s, even as I actively opposed the Orthodox Union's membership in the Synagogue Council, I actively represented it at the National Jewish Community Relations Advisory Council, now known

as the Jewish Council for Public Affairs. Regrettably, as the process of defining Judaism downward continues and even accelerates, it becomes difficult at times to maintain our involvement in such agencies. The reality is that for the great majority of American Jews, modernity and hyper-liberal positions are surrogate religions, the outcome being that the gap between what is identified as American Jewry's position and halacha continues to expand. Interaction between the religious and secular sectors is tenuous. We are increasingly left with such Jewishly neutral issues as civil rights and environmentalism. As vital as these issues are, and as important as it is to promote and protect civil rights and the environment, these are not inherently Jewish issues.

Of course, Israel, anti-Semitism, and helping Jews around the world are inherently Jewish issues. In these areas, the Orthodox have been involved far beyond their proportion in American Jewish life. Their impact has been even greater. These areas and not philanthropy are the communal spheres of activity where we should emphasize our involvement.

As for the Federations and secular activity, it is time for the Orthodox to get over the residual inferiority complex that impels some to mistakenly believe that it is a mitzvah to be involved. There is no such halachic or moral obligation. We Orthodox Jews have more than paid our dues. While there is more to do and abundant room for improvement, this will not come about by currying favor with those who sanctify bureaucracy or who support activities and attitudes that are antithetical to our obligation to be a sanctified people.

## NOTES

1. In view of oral comments at the Orthodox Forum, I wish to underscore that this is a thought piece based on more than a half-century of intensive activity in Jewish communal life. It is not a research paper.
2. This is remarkable. After all, much of what may be termed non-Orthodox hashkafa or religious thought is directed at values and behaviors that focus on the needs of poor people and others who require assistance. The neglect of tzedakah issues is therefore puzzling.
3. See Jack Ukeles contribution to this book as well as research cited by Jonathan Rosenblum in the Jerusalem Post (December 15, 2005, <http://www.jewishmediaresources.com/907/think-again-communal-obligations>).



4. Rabbi Feinstein apparently felt that tuition payments for daughters can be credited toward the ma'asser requirement, and this may be true, as well, of tuition for sons past a certain age.
5. This note was added in July 2008 during a period of economic downturn whose scope and consequences are yet unknown, although present indications are that it is severe and will adversely affect all economic sectors. Inevitably, this will have an impact on Orthodox life and on the institutions and causes that depend to one extent or another on charitable contributions.
6. The need for greater clarity is highlighted by the economic downturn touched on in the previous note. Many of us are experiencing a net loss in 5768 in the value of our assets. Are we free of any obligation to give tzedakah this year?
7. Modern Orthodox schools have a different financial profile than those in the yeshiva world and chassidic sectors in that tuition accounts for a significantly higher proportion of the budget. Yet, because tuition is generally much higher in Modern Orthodox institutions and scholarship assistance is limited, parents at these schools have a substantial burden in meeting their tuition obligations. As indicated, this affects their tzedakah decisions.
8. Ten years ago, I conducted a study of the financing of Jewish day schools, which focused on schools outside of the New York Federation service area. The data that were collected included information on Federation support of day schools around the country. In view of the static nature of Federations' annual campaigns and the escalating cost of day school education in the intervening years, it is certain that the percentage of the day school budget covered by Federation subvention has declined (Marvin Schick and Jeremy Dauber, "The Financing of Jewish Day Schools," The AVI CHAI Foundation, 1997). It is also true that during the past decade there has been a remarkable expansion of private Jewish philanthropy and, as noted in the text, this has resulted in significant philanthropic support of day schools in a handful of important Jewish communities.
9. For this reason, and also because it is the preferred way of doing things in the more modern sectors of Orthodoxy, the tenure of shul and school presidents is usually limited to two or three years, a policy that in my judgment results in a severe leadership deficit.
10. Gary A. Tobin, "Jewish Philanthropy in American Society: The Americanization of Jewish Philanthropy" (San Francisco: Institute for Jewish and Community Research, 1996).
11. Perhaps more than in any other aspect of our communal life, including chesed activities, day school education is the area where there is the greatest degree of interaction between the non-Orthodox and Orthodox. However, this interaction does not exist at the school level but rather primarily through activities promoted by boards of Jewish education and other coordinating agencies, as well as by the plethora of conferences and educational projects funded by private Jewish foundations. There is an abundance of training programs in the day school field,

and nearly all bring together educators from across the spectrum of American Jewish life.

12. It appears to me that Orthodox day schools outside of the New York area are generally more willing to accept non-Orthodox enrollees. I believe this is because many of these schools have empty seats and tight budgets and can use the additional students and the tuition income they bring.
13. In fact, enrollment in these schools has never been anything to brag about. In the 1998–99 school year, there were 5,136 enrollees in the outreach and immigrant schools, and the number declined five years later to 4,823. (See the two day school censuses that I conducted in the 1998–99 and 2003–04 on behalf of the AVI CHAI Foundation, [www.avi-chai.org](http://www.avi-chai.org).) I am conducting another census for the 2008–09 school year and expect that there will be a further drop in enrollment in these schools.
14. Although there are non-Orthodox synagogues that have active chesed programs, and there are, of course, throughout the country hundreds of Jewish agencies that provide various social services, I believe that in the aggregate non-Orthodox Jews and notably those without any religious affiliation are underserved. These Jews are largely faces in the vast American crowd and have limited or no connection with Jewish social service agencies.