

Rubashkin and Yom Kipur

You might have heard the name Sholom Rubashkin. He is a Lubavitcher Chasid and an entrepreneur who built up a series of apparently successful businesses which enabled him to become a very generous and high-profile benefactor of Orthodox charities in the USA. His best known business, Agriprocessors, based in Postville, Iowa, was, in its time, the biggest provider of kosher meat on the North American continent.

In 2008 it was the subject of a story by PETA undercover activists who photographed extremely disturbing practices of animal cruelty at its abattoir that not only contravened standards of human decency but also, according to most experts, Jewish law as well. It seemed that in the overweening desire for profit, corners were being cut and blind eyes turned. The ultra-Orthodox world was divided as always between the apologists and the condemners but assurances were given that under stricter rules the "lapses" would not recur. But soon after, a raid by Federal agents uncovered a scandal which, they said, involved underage Guatemalan immigrants, illegal papers, harsh working conditions, and financial corruption.

In 2010 Rubashkin was personally acquitted of 67 charges of child labor offences although his company was not. But he was convicted of 86 separate charges of fraud, money laundering, and other financial irregularities and was sentenced to 27 years in jail.

Judges everywhere are a mixed bunch with as many prejudices and failings as any other bunch of human beings. In the USA the interrelationship of law and politics adds a salacious ingredient into the mix. But there are ways to appeal. In recent years, because of so much scandalous abuse, fraud convictions have attracted stricter penalties. Even so some have been overturned and in other cases sentences reduced. And of course it is right and proper that any legal team will try to do its best for its client.

Rubashkin's lawyers appealed to the Federal appeals court for a retrial on the grounds that the Judge was biased and exceeded her remit. Last week the appeal was turned down and his lawyers are now going to the Supreme Court.

This is set against a feeling in the Jewish community in the USA that Jonathan Pollard's life sentence for giving restricted information to Israel, is not only vindictive and excessive but actually sadistic. They believe that only prejudice can explain why he has been singled out above all others and given a stricter sentence than men who actually caused the death of those they betrayed as well as their country.

But the sustained outcry over Rubashkin, claiming he is an innocent victim, the massive campaign to raise money and to use political muscle has become so distasteful it merits analysis. It is indeed the American way. Men like Al Sharpton complain about racism the minute any black man is convicted. But I am frankly scandalized by the way the Orthodox community is making such a public, self-righteous fuss. Here's a typical email I have received asking me

to sign a petition on his behalf:

“We now have a unique opportunity – for the sake of justice – to express our outrage for this sentence and actually make a difference. If it can happen to Sholom Rubashkin it can happen to anyone! Tell President Obama to stop ignoring 47 members of Congress and many others in the Rubashkin case! Sign this petition today and join the fight for justice for Sholom Rubashkin. President Obama is facing elections next year, and he wants to know what is on people’s minds. By having thousands of people all across America express their outrage with the overzealousness and misconduct in the case of Sholom Rubashkin, it will send a powerful message that we really do care!”

This is crying wolf. If we use up political goodwill over this, what when we have a legitimate cause? By all means set before the courts his good deeds and his charitable record. But he is no innocent martyr. He brought this all upon himself by trying to swindle banks. Argue his sentence is stiff indeed. But to suggest as adverts have that he is a “captive”, for whose release one has a religious obligation to pay, is an abuse of the concept of “pidyon shevuyim” (redeeming captives). It was introduced as a halachic response to kidnapping for financial or political gain in the days of pirates, slavery, and victims of war. The way Jewish law is used, misused, and twisted is simply dishonest and a scandal.

There are thousands of poor and completely innocent families and children who have never done anything wrong, struggling to put food on their tables. If charity is asked for it should be for them.

A similar outcry went up over the teenage Chasidim ensnared into smuggling drugs into Japan. You can say they were naïve or stupid, but if someone offers you \$1000 to take a suitcase halfway across the world when you could FedEx it for a tenth of the price, even a cloistered scholar would know that something is fishy. Yet once again the Orthodox world screams foul; they are saints and martyrs and the wicked non-Jews are the evil ones.

There is a Talmudic law against mesirah, giving information to non-Jews that would get Jews into trouble. It was initiated at a time when there was no fair judicial system, when Jews were being victimized and subject to constant oppression and prejudice. But every great Jewish expert has agreed that it does not apply where this one fair law that treats everyone equally. Yet this is being used as a reason not to tell the police about child abusers, wife beaters, and petty crooks who prey on credulous coreligionists.

According to the LA Times (Sept 7, 2011), Federal prosecutors are threatening an ultra-Orthodox man with jail unless he testifies before a grand jury regarding the federal government’s ongoing probe of tax evasion in his sect. His attorney says the man will refuse, citing “the ancient Jewish doctrine of mesira, a prohibition for Jews against informing on other Jews to secular authorities”.

Hardly a day goes by without another breach of civil law by outwardly Orthodox Jews. These are all examples of a chillul Hashem, of betraying Jewish law and twisting it to cover nefarious activities. According to the Talmud, anything that brings God or the Jewish people into disrepute cannot be atoned for on Yom Kipur. May we all be forgiven our errors and sins even the holy ones! Meanwhile “thousands of people all across America ‘should’ express their outrage” at the way Judaism is being morally compromised.