

## CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

### THE HARD WORK OF IMPROVING OUR COMMUNITY'S CHARACTER

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Improving a community's character is hard: Just ask Moshe Rabbeinu! Hashem replaced Moshe as leader only when after forty years, the same stimulus (thirst) led to the same response (hectoring complaint). He did not expect real change in less than a generation. Deepseated communal religious failures cannot be overcome rapidly or easily.

This essay will inevitably be read as a response to the arrests this week of Orthodox Jews for making fraudulent claim on government "safety net" programs. Two points are therefore necessary by way of introduction:

1) A society that genuinely believes in the presumption of innocence would not permit the deliberate public humiliation of people who are merely accused. There is absolutely no excuse for the phenomenon of "perp walks", no matter the person nor the crime. Former Labor Secretary Raymond Donovan's plaint after acquittal "Where do I go to get my reputation back"? carries added force in the age of social media.

2) Journalism at its best is *avodat hakodesh*, sacred work. Journalism at its worst is simply *lashon hora* supersized. Articles should not uncritically pass on uncorroborated information provided by an anonymous law enforcement or prosecutorial official (likely breaching duties of confidentiality) that is clearly intended to cast aspersions on entire communities and serves no vital communal "need to know". Such articles should not be "shared" uncritically.

All that said, the reaction to the articles in both the Charedi and MO community indicates that many of us saw the worst-case scenario as eminently plausible. If we're right, that's a good thing, or at least much better than denial.

Moreover, there was recognition in the MO community that while the specific sin in question may not be our failing, we share the underlying challenge of being successfully *mechanekeh* (Torah-educating) for financial integrity.

Our response to this challenge cannot be merely curricular. We need to acknowledge (usually with pride!) that there is currently no radical values-divide between Orthodox religious professionals and the Orthodox laity. Values-failures in the system likely reflect those who are teaching, not what texts they are not teaching, or modalities they are not using. Surely Moshe Rabbeinu tried having the Jews learn mussar along with gemara Nezikin! Teaching Bava Kamma in every grade will not help if students emerge with a list of successful defenses against tort suits. Teaching mussar will not help if a fundamental ethic being internalized is the worthlessness of human beings unredeemed by Torah.

So this 1300 word essay is not intended as a panacea. My hope is to provide one analytic framework that may be helpful, and to add one religious concept/text to the conversation.

Analytically, I want to distinguish between "luxury problems" and "problems of luxury".

A luxury problem is one that we can devote time and energy too only because we have solved more fundamental issues such as survival and sustenance. For example: Rav Moshe Lichtenstein some years ago objected to declaring fast days during a drought until all the garden sprinklers in Israel had been turned off. For a country that desalinates enough to handle all other needs, drought is a luxury problem.

A problem of luxury is one that is legitimately fundamental, but only because we have allocated our resources in particular ways. For example: In the US and Israel today, even the temporary absence of running water is a fundamental problem with implications for survival, even though by historical or comparative standards the presence of (potable!) running water is a remarkable luxury.

Moral difficulties arise when societies are structured in ways that regularly generate problems of luxury for people who don't have the resources to solve them. For example, if a society largely supports its underclass by hiring them as

gardeners, the absence of water for gardening threatens massive unemployment and economic devastation.

Here is a more relevant, but possibly controversial, example: Sending talented Torah educators outside our community as kiruv professionals can reflect Torah luxury: it can mean that we have enough skilled teachers to ensure our own community's thriving, and are generous enough to share our Torah resources with communities that face an existential cultural threat. But if we consistently produce many more professional Torah educators than our community needs, so that the economic viability of our scholarly class depends on the continuing availability of kiruv jobs, then we create a problem of luxury.

And directly on point: Dignity and marriageability are each fundamental resources. A society that allocates these resources disproportionately to those who meet financial thresholds, even those financial thresholds are well above what is otherwise needed for physical and spiritual comfort, creates problems of luxury.

I contend that both Modern and Charedi Orthodoxy are currently such societies. It is of course true that individuals can and should resist the temptations to cheat or steal in order to overcome such problems of luxury. But remonstrations about individual failures will generally register as hollow and hypocritical in a society that allocates dignity and social prestige more to wealth (or to the appurtenances of wealth, such as attending hyper-expensive schools) than to virtue.

The religious concept I want to introduce can be found all over the writings of NETZIV, but a core location is Responsa Meishiv Davar 2:9. Netziv wonders why the Torah bothers to tell us in Bamidbar 21:26 that Cheshbon was the capital city of the Amorite King Sichon "who battled with the first king of Moav, and he took all his land from him, as far as Arnon". He connects this to a Talmudic (Bava Batra 78b) translation/interpretation of the previous verse:

Therefore the rulers say: Come make a Cheshbon =  
accounting!

The rulers *refers to those who rule over their evil inclina-*

*Come make an accounting means make an ultimate accounting, namely of the loss involved in a mitzvah against and the reward of transgression against its loss.*

Why, Netziv asks, should those who "rule over their inclinations" need to engage in such an accounting? Won't it be obvious to them that mitzvot are worth doing and sins are not?

He answers that such people need to learn the lesson of Sichon's triumph. Moav's king was unpopular, possibly deservedly so. A group of Moabites turned to Sichon for help deposing him. They assumed that Sichon would allow them to pick a superior replacement. Sichon instead conquered their land for himself.

The moral of the story is that good intentions sometimes pave the road to destruction. It is not enough to evaluate an action in the abstract; one must consider all its ramifications. In that broad view, it will sometimes become clear that fulfilling a halakhic obligation is worthwhile, and even that transgressing a prohibition is worthwhile.

Netziv's initial context is campaigns against heresy or halakhic lassitude in the rabbinate. Granting that there are weeds of many kinds in the Torah garden – does the gain of eliminating them outweigh the costs of communal discord, or the inevitable reality that some people will be caused unjust or disproportionate suffering? (I would add: what if one creates a "chilling effect" that discourages people from expressing creative ideas on issues that call for creative responses? What if one turns many of the finest minds and souls away from Torah careers? Some of our writers seem to think that napalm is an appropriate garden herbicide.)

But Netziv's legitimation of moral pragmatism has much broader relevance. In areas such as education, safety, inclusion, health, et al., our community often functions as if progress in one area has no cost in others. These costs are often long-term and abstract. Making them part of our communal *cheshbon* takes conscious effort and often a sacrifice of near-term gratification. But our failure to do so creates environments which make the moral choices of the individuals in our community more difficult, and eventually but inevitably to the distortion of our communal structure of Torah values.

Improving a community's character is hard. We should think long-term and structurally rather than focusing solely on immediately improving individual choices. We need mature willingness to acknowledge and account for the indirect moral and spiritual costs of direct moral and spiritual achievements. Scholars, professionals, and laypeople must realize that we are each part of the problem and necessary contributors to any solution.