

CENTER FOR MODERN TORAH LEADERSHIP



WALDER'S BOOKS, RAV TAU'S BOOKS, AND ME

Rabbi Aryeh Klapper, Dean

QUESTION:

Dear Rabbi Klapper,

On November 18th, you wrote that halakhah mandated “immediately removing Rabbi Walder’s books from our stores and shelves”. A lot has happened since, including Walder’s suicide and that of his victim Shifra Horowitz. What is your current position regarding the books?

ANSWER:

Thank you for asking. I published a response on my TOI and Facebook, and it became clear that people simply didn’t have the emotional bandwidth to read it. So I’ll instead present here some reasons that it must be answered eventually, and explain why it feels important for me to raise them now. I apologize that this essay contains less formal Torah than usual, and I admit that some Facebook critiques were cogent and powerful.

I have a profound aversion to censorship. The rules of “forbidden books” are among the areas of halakhah that express powerful values within individual lives but can become tools of oppression when enforced on others. So what I wrote on November 18th was very hard for me.

Let’s look at a recent incident. Rav Tzvi Tau, head of Yeshivat Har HaMor and an authority in the Religious Zionist community, AFTER meeting with Rav Shmuel Eliyahu and being given access to all the testimony collected by Rav Eliyahu’s beit din, called all the accusations against Walder “lies” and instances of “McCarthyism” reflecting noxious alien influences. In response, [Rabbi Rafi Feuerstein removed Rabbi Tau’s books from his library](#) (as he had removed Walder’s the previous week) on the grounds that “I am concerned that members of my community, and their sons and daughters, may see the books and erroneously think that it is forbidden to complain (about abuse)”. Rabbi Feuerstein adds powerful considerations of *chillul Hashem*. We can add: What if a Walder victim walked into a beit din to testify and saw Rabbi Tau’s books on the shelf? What of he or she walked into a beit midrash, or into a rabbi or therapist’s office for counseling?

I would be fine with everyone in the world deciding independently that Rabbi Tau’s Torah is not for them. But I would be very hesitant to rule that everyone MUST remove Rabbi Tau’s books because of the excellent chance that

seeing them will retraumatize victims, with G-d-forbid terrible consequences.

You may say that Rabbi Tau is less guilty than Walder. Maybe, in the sense that his direct actions were less severe. Why does degree of guilt matter, if the argument is that books whose presence might cause others damage, or lead them to self-harm, must be removed?

In my November 18 post, I gave three reasons for mandating the removal of Walder’s books.

The first was that the books “specifically contributed to giving Rabbi Walder access to victims”. I meant that people referred themselves or others to Walder for counseling. That argument no longer applies, although his books may still harm his own or others’ victims.

The second was that “children who read the books now may suffer religious and psychological trauma later”. I was afraid of parents inadvertently harming their children. At this point I think it would be criminally irresponsible for any Orthodox parent to be unaware of Walder’s crimes.

The third was that “the continued presence of the books in our institutions at this stage discourages victims of sexual misconduct from going forward”.

None of these reasons related to the content or quality of the books. In fact, I have no direct basis for judging them, and no interest in making policy based on my judgement of their worth – that would be censorship.

I also won’t diagnose Walder without having met him. (Also, I am not a mental health professional.) His guilt can reasonably be judged on the evidence presented; his whole self, not so much. How many of us have extensive experience and expertise with sociopaths, after all, let alone with the semiotics of suicide notes? The therapeutic center that Walder managed is in any case a better test than his books of whether his soul contained any good. I pray that every aspect of its operation is now being investigated in great detail, and that the investigation allows for justified confidence in its work.

Some cherished moralistic classics are by disgraceful authors. I am very open to the possibility that Walder’s books provide intrinsically problematic messages. So does The Cat in the Hat, regarding keeping secrets from parents, and so did Sesame Street, about not believing children, back when Mr. Snuffleupagus was imaginary. (Consider what Disney’s The

Little Mermaid teaches your children!) These are fine reasons to ADVISE parents not to buy them, and for booksellers and publishers to CHOOSE not to distribute them. But these are decisions for parents, consumers, and businessmen. There is no reason for me or anyone else to pasken them, especially for people who have not asked for psak. So too, the possibility that Walder's books contain dangerous messages is a good reason to CHOOSE not to distribute or buy them.

So we come back to the books' continued impact on Walder's victims, and on abuse victims generally.

Reminders of past trauma create damage that is profoundly real, powerful, and violating. My own experience – which is not remotely comparable to those of Walder's victims – is of major anxiety, disrupted productivity, damage to relationships. and actions or inactions that (I like to believe) are out of character. These consequences are intensified when powerful communal institutions, or people one respects and have power in your life, make clear that they knowingly support the perpetrator, or suggest that you deserved the trauma. I have no doubt that the sight of Walder's books in contexts of respect and value continue to injure his victims.

The question is whether that is enough to justify **mandating** their removal, and the removal of Rabbi Tau's books on the same grounds.

Let me stretch your tolerance for a moment by considering reasons that it might not be enough as a matter of public policy, no matter how strongly you feel right now that only a terrible person would ever consider reading them.

1) Communities and individuals are entitled to make cost-benefit analyses, so long as they do so with genuine and deep sensitivity and with every effort to minimize the collateral harm from what they see as a communal good. People I respect maintain that Walder's books have done much good for children, and may at some point be able to do so again even for children aware of his sins. NOT HAVING READ THE BOOKS, I cannot agree or disagree, or opine about whether knockoffs could achieve the same positive things. My question is whether, if I thought the books were valueless, it would be proper for me to impose that opinion as halakhah on someone with a different evaluation.

2) It is bad policy to establish the presumption that valuing an abuser's positive work means that one disbelieves victims, or put differently, to create the expectation that everything created by an abuser becomes *assur babana'ah* (forbidden to receive benefit from). This risks turning every abuse case into black-and-white us-against-them at an early stage, and enmeshing every case in webs of power and money. In some extreme cases this is a useful and necessary tactic – I stand by what I wrote in November – but it is a

counterproductive default. Think of it as always a *hora'at sha'ab*.

3) Halakhic arguments for censorship based solely on authorship tend to rely on categorizing the author as wicked or heretical rather than specifically as an abuser, and to claim spiritual rather than psychological harm. Allowing these arguments into the public-policy sphere risks legitimating their use in ideological cases. I was shocked over the past few days to read a prominent victim of ideological censorship argue that the difference between his case and Walder's is only that his books are true, and a prominent MO academic agreeing that Walder's books should be removed because their author is a *rasha*.

4) Removing Walder's works is an ironic collaboration with those who prefer to consign the entire episode to an Orwellian memory hole. With the books gone, we can return to pretending that there are no abusers in our community, that respected rabbis never abuse, and that charisma in educators is to be celebrated unreservedly. (I say "we" very specifically. Every branch of Orthodoxy has plenty of deliberate ostriches.)

5) Mandating removal reinforces a view of victims as unable to deal with real life, and allows us to view ourselves as generously and altruistically sacrificing for them. It creates a sense that they owe us rather than vice versa.

Walder is a unique case calling for emergency measures, but we need to develop sustainable policies (unless we prefer ignoring abuse.) The evidence will not always be as clear as it was regarding Walder, and we will have more Rav Taus. So we need to think beyond our properly visceral reaction to Walder.

We should aim for a policy that

1) ensures that abusers cannot profit from their abuse-related work. Ideally, we should find a way for their work to become a vehicle for providing resources and empowerment to victims, and for ongoing public education and awareness. (We should think very carefully about when and whether an abuser's immediate family should be able to profit from their work.)

2) expresses support for victims, and provides them with resources, without reinforcing the one-dimensional perception of victims as fragile and damaged that Rabbani Michal Nagen has powerfully critiqued, and that unfortunately permeates many well-intended gestures of support.

The truth is that victims are full human beings, in various conditions of mental and physical health and satisfaction. They deserve to be heard not for their pain but for their perspective.

Shabbat Shalom!

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