

The True Measure of Orthodoxy

- Basil Herring.

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Until a few months ago, David Schick was a shining star in the Orthodox community, in Flatbush where he lived, and far beyond Brooklyn. Last Purim, I am told, the poor and indigent stood in lines for hours as he handed out hundreds of thousands of dollars in apparent fulfillment of the mitzvah of Matnot Aniyyim. As a lawyer and businessman, and the son of a prominent observant family, he had succeeded in attracting a diverse group of savvy investors as well as charitable institutions, to entrust a good part of their portfolios to his care. And he had even become a political force, wielding clout and contact in New York and Washington, including the White House. But today he stands accused by Federal authorities, of committing massive fraud, in the form of a pyramid scheme, allegedly embezzling more than \$100 million, monies allegedly taken from investors of means both great and small, as well as from religious and charitable institutions, charges which, reportedly, he does not deny. The scandal, on one level, is that of one man’s rise and fall, a victim of his own greed and avarice. But, and I say this with a heavy heart, on another level the failure is also much more than the malfeasance of one man: it is an awful, and repercussive indictment of a certain mentality and attitude that has taken hold in the American Jewish community, most especially in the Orthodox world, of which we ourselves are a part. Le’da’avoneinu ha-rav, to our great sorrow, there are too many like him, too many headlines that bring shame upon us all, too many kippot in white collar prisons across the land, too many Orthodox institutions who engage in questionable activities, real and alleged. And it is of this failure that I will speak today, in the spirit of the month of Ellul, and the pre-Yom Kippur soul-searching which is the order of the day.

Let me begin with a quote from the writings of a Chief Rabbi of Israel, Rav Avraham Yitzchak Ha-Kohen Kook, of blessed memory:

“It is forbidden for religious behavior to compromise man’s natural moral sensibility. If it does, then our Yirat Shamayim, our claim to be God-fearing, is no longer pure. An indication that it is pure, is that our natural moral sense becomes more exalted as a consequence of religious inspiration. But if the opposite occurs, and the moral character of the individual or the collective is diminished by our religious observance, then we are certainly mistaken in our path. This type of supposed “fear of heaven”, is passul, it is wrong.” (Orot ha-Kodesh 3:11)

In other words, for Rav Kook, it is inconceivable that a Torah-true religiosity should abide or tolerate a ritual-based piety that in any way eclipses, overshadows, or outweighs, the ethical focus of the Torah, of Jewish life, or of what he calls “man’s natural moral sensibility.” And any definition of Judaism, or Orthodoxy, that would, for any reason whatsoever, allow the pursuit of ritual excellence to displace or weaken ethical behavior, is by definition a betrayal and distortion

of Torah, and of God's will. There are, if you will, two co-equal foci of Jewish life, each represented by one of the two tablets at Sinai, one that demands of the Jew uncompromised ritual excellence, the second that insists on absolute ethical virtue. You deny the one at the peril of the other; it is a sacred and precious balance that is essential and defining of all of Jewish life.

Now it is no secret that we Orthodox are inordinately, and rightfully, proud of our communal achievements over the last several decades. After having been widely ridiculed and written-off as a constituency and an ideology with a long past but no future, Orthodoxy has revitalized and invigorated itself in many and splendid ways. There is no need to chronicle that remarkable renaissance yet again. What is necessary, rather, is the recognition that as a group, we Orthodox have largely failed to heed the words of Rav Kook, and those like him. To our shame, we have allowed ourselves to measure our communal achievements in the main by the yardsticks of mass adherence to so-called ritual and ceremony: Thus the pride we take in the efflorescence of ever higher standards and observance within our camp of the laws of kashrus, Shabbas, Torah study, mikveh, and tzitzit, shatnez, chametz, and beyond.

But while it is absolutely true that these are essential to the definition of the good Jew, and we should always strive to be more punctilious in these areas, never laying claim, for instance, to being a so-called "good Jew" without them—we must equally ask ourselves why we have failed to convey to each other, and to our children, that those criteria, critical as they are in our pantheon of values, are not one whit more important or significant than the Torah's other measures of religious excellence, those criteria such as absolute integrity, or the insistence on the truth and full financial disclosure, or respecting the equal rights of non-Jews, or obeying the law of the land in every respect and with only extremely rarely-sanctioned exception, or, for that matter, treating the poor and the disadvantaged of every faith and class with deference and humility? Or to ask ourselves why it is that in our yeshivahs we so often tolerate and do little about cheating on tests, or blatant disrespect for teachers, or gross insensitivity to fellow students. Where, in the Orthodox community, are the pivotal ethical rules and role models, where the uncompromised insistence that such things will not be tolerated on pain of exclusion? And why is it, that in our synagogues we so often tolerate the insensitive behaviors that include vicious gossip, hurtful sarcasm, or the failure to reach out to help those who are hurting in any one of a hundred ways. Are these not also essential indicators of religious excellence?

The answer, you may be surprised to hear, is that moral virtue is not as important as ritual piety, it is in fact more important, both inherently, and in terms of its consequences. How do I know? Because our parshah tells us so, at least as it has been explained by two impeccable rabbinic authorities on religious observance, one in the 19th century, and one in the 20th. Listen, if you will, to the following verses, that prohibit business fraud involving deceptive weights and measures:

You shall not have in your house diverse measures, a great and a small...You shall have a perfect and just measure..for all who have diverse measures are an abomination unto the Lord your God, those who commit injustice. Remember what Amalek did unto you on the way when you came forth from Egypt, and he attacked you... Devarim 25:14-17

Clearly the Torah here does not just prohibit fraud or deception as a conventional transgression, it actually goes so far as to consider it a to'eivat Hashem, "an abomination of God," a phrase generally reserved for cardinal crimes such as sexual depravity, murder, or idolatry. And further

indication of the seriousness with which the Torah views this transgression, is found in the words of Rashi. He quotes the Midrash Tanchuma that asks why the Torah follows this prohibition by saying that we should remember how Amalek attacked us. What does the sin of holding “diverse measures” have to do with Amalek? This is how it answers:

If you cheat in your weights and measures, you had better watch out for your enemies, as it says “deceptive scales are an abomination unto God.” (Proverbs 11:1.)

But the question is why? What is it about corrupt business or personal ethics, that it should be elevated to the level of idolatry, murder or incest, to constitute an abomination that might lead to alien attack and national catastrophe? Two commentators answer this question, in practically identical terms: in our own generation, Rabbi Moshe Feinstein, and a century ago, the Netziv. What they both say, is as follows: A businessman who is guilty of owning two sets of measures, or for that matter, two sets of books, in reality is lacking in faith, and is guilty of denying God’s providence. For it is not as if he is acting on the spur of the moment on the basis of some momentary urge to enrich himself. Ownership of such illicit tools is clearly a matter of forethought and planning. And it betrays an attitude lacking in the necessary faith that God will by personal providence provide for all our needs according to our just desserts. For this reason, says the Netziv, the Gemara in Bava Batra states that the use of corrupt measures is worse even than incest—tantamount to idolatry and a fundamental corruption of faith and trust in God, whereas incest, vile as it is, is a matter more of instinctual lust. In that sense, planned fraud or cheating denies that God knows what we do, or that He rewards us in accordance with what we deserve. Either way, it is a form of idolatry, and the verse therefore labels it an abomination of God. And in Exodus it was precisely the denial of God’s providence by the Israelites which led to the attack by Amalek, when, faced with a lack of water they proclaimed “hayesh Hashem be’kirbeinu im ayin,” “is God in our midst or not,” followed by the next verse, as here, that recounts the Amalekite attack.

This is a lesson which the Orthodox community needs to internalize in serious and sustained fashion. For too long have our educational, institutional, and social priorities lacked sufficient emphasis on the essential moral demands of the Torah and its Mesorah, or tradition. To our great discredit, the two-tablet balance has for far too long been off-kilter, and out of synch. We need to restore matters to the status quo ante, to a situation in which no one, least of all our children, can be mistaken as to the centrality, and shared primacy, of ethical behavior, both in theory and in practice, in principle and effect. To cite but a few examples, it means that in our synagogues we should not accept money questionably gained, nor tolerate or honor those whose behavior is known to be less than proper. It means that in our communities we should not allow to pass without condemnation behavior or language that leads to stereotyping other people of whatever persuasion. And it means that in our schools we should undertake structured initiatives to thoroughly sensitize our young people to the extraordinary richness of the Torah’s ethical teachings and demands. And it means that in our homes, we never tolerate hateful language, or selective morality. But above all, it means that we must once again understand that the definition of an Orthodox Jew, must absolutely include the embrace and pursuit of ethical excellence.

If we will do that, then we can be reasonably sure that, in addition to virtue being its own reward, we will yet live to see a time wherein God will reward us as well, individually and as a community, in accordance with our text, as it says le’maan yaarikhu yamecha al ha’adamah

asher Hashem Elokecha noten lakh—insofar as God will grant us length of days on the good land, which he has given to us.