

# Public Criticism and Responsible Love

***Are Jews permitted or obliged to reprove Israel and its leaders? If so, how may this be done? A liberal reading of rabbinic sources offers principles and guidelines***

The debate over whether and how North American Jews should criticize Israel challenges us to re-examine the relationship between these two vibrant communities, and to reconsider the foundations of Jewish peoplehood. The diversity of the Jewish People in and outside of Israel, the self-perception of its varying sub-communities and their positions on Jewish practice, along with differing views about the internal and external threats to Israel's well-being, make the debate about criticism quite complex. The act of criticism from a Jewish perspective, when offered among Jews in order to correct wrong behavior, is in fact a mitzvah, of *tochecha*, or reproof. Its origins are found in the Biblical command, "You shall not hate your brother in your heart; you shall surely reprove your fellow, and not bear sin because of him." (Leviticus 19:17) Jewish peoplehood, one might argue from this verse and its commentaries, depends on the kind of critique that embodies mutual responsibility. But is it really relevant or helpful in the current context?

{ By **RACHEL SABATH BEIT-HALACHMI**

*Tochecha* is quite different from many of the other ways our tradition teaches responsibility toward and love of the Jewish People. More familiar and comfortable modes include *ahavat Yisrael* (love of Israel), expressing love of fellow Jews; acts of *tzedakah* (righteous charity), taking financial responsibility for Jews in need; and the related concept of *arevut*, or mutual responsibility. All of these principles are also central to the ways in which the Jewish People outside the Land of Israel have historically expressed their love and responsibility toward those living inside the Land. But *tochecha* means being critical, negative, and insisting on a change in one's behavior. It is, admittedly, a kind of "tough love," which is often not easy to accept.

## **Tochecha: The Challenge**

Some Jews insist that criticism of Israel is an absolute responsibility, in order to ensure the highest moral standards. But some argue that engaging in any kind of criticism or *tochecha* is impossible, given the present realities of Israel and the state of North American Jewry; either because it is irrelevant, or because it is irresponsible and traitorous. There are those who would ban criticism of Israel because it empowers the enemies of Israel, and further weakens us collectively. Others say that without shared definitions of who is a Jew and the requirements of halakhah, or at least shared standards of right behavior, we cannot possibly offer a critique or hear the critique of the other. Silenced by these gaps and by the refusal of many to hear any kind of criticism at all, many Jews have chosen to remain silent about their concerns, or to express only affirmative love, at least publicly.

If, as we will argue, *tochecha* is a responsible way of expressing love of Israel and of other Jews today, what is its nature at this moment in our history? What are its limits? What are the ancient Jewish sources that can provide important guidance, inspiration and authenticity

for those who grapple with this question of if, when and how we might criticize Israel?

Recently, a prominent Reform rabbi, Micah Greenstein, asked the halakhic experts of the Reform Movement (known as the Responsa Committee) to respond to the following question:

Can and how might Halakhah and other rabbinic sources guide Liberal (non-orthodox) Jews on respectable ways to question Israel's policies publicly as religious Liberal Zionists?

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The question itself reveals some fascinating aspects of our dilemma. First and foremost, Greenstein assumes that Jewish sources may or may not be able to offer any guidance. Secondly, he assumes that the response from within the sources will guide and not govern behavior. Thirdly, he presupposes that there are respectable and not respectable ways to question Israel's policies; and that the critique will be done publicly. Lastly, and perhaps most importantly, he frames the search for guidance in critiquing Israel as the quest of "religious liberal Zionists." His question voices a real need for guidance among supportive, committed, knowledgeable, and loving pro-Israel North American Jews.

Greenstein's assumptions fit squarely with the general stance of most liberal North American Jewish leaders, who may be guided by a responsum or statement of principles, but know that it will not necessarily govern behavior. They also recognize that there are often severe limitations on the ability of ancient sources to respond to contemporary realities, and that ultimately, all halakhic responses represent not only a study of sources, but also the application of the ethics and ideology of the *posek* (legal authority), which often do not satisfy the conscience of the autonomous liberal Jew.

Jewish tradition is so rich in its debate about the question of criticism that to ignore it is to deprive ourselves of the possibilities of clarification and inspiration that we so urgently need. Yet when we turn toward ancient Jewish sources and rabbinic interpretations to create a methodology of criticism, clarity is accompanied by complexity. As we shall see, different commentators understand the requirements of *tochecha* in ways that both extend and limit its application.

## There are situations in which offering reproof doesn't help but only shames the person.

Even in earlier periods, when one might expect to find greater agreement about who and what a Jew is, and what constitutes a sin in need of correction through *tochecha*, there was great debate about when to apply it: How and when should it be done? What are the risks? Is it still relevant in the modern context? We will also explore how the principles gleaned from the sources might be applied to the question at hand.

## Risking Embarrassment

In the Babylonian Talmud (Arachin 16b), the rabbis explore the notion of *tochecha*. The emphatic repetition in Leviticus 19:17 – "*hocheach tochiach*" – is seen as proof that rebuke, if ignored, should be expressed more than once. At the same time, the Talmud cautions that there are people and contexts in which offering reproof doesn't help, but only shames the person. The rabbis are well aware how hard it is to take criticism, and the Talmudic discussion invokes a relevant verse from Proverbs (9:8): "Reprove a fool and he will hate you, reprove a wise person and he will love you." In other words, one who wants to improve oneself will want to hear criticism because he knows that it will make

him better, and will consequently love the one who criticizes him.

In his *Mishneh Torah*, Maimonides (also known as the Rambam, d.1204) clarifies that wrongs to be criticized include both those between two people *and* those which are "a matter between one's colleague and God." He adds that the critique should be given privately, "patiently and gently," and should be offered in order to make the one who is rebuked better and earn him "life in the world to come." The Rambam continues:

If he accepts [the rebuke] it is good; if not, he should rebuke him a second and third time. Indeed, one is obligated to rebuke a colleague who does wrong until the latter strikes him and tells him: "I will not listen." Whoever has the possibility of rebuking [sinners] and fails to do so is considered responsible for that sin, for he had the opportunity to rebuke the [sinners.] (Hilkhhot De'ot 6:7)

At the same time, however, Maimonides specifies in the next section that there are limits to rebuking another person. One should not do so if it embarrasses him in public to the extent that his face changes color. Following the rabbis of the Talmud, Maimonides establishes that humiliating another person in the course of a rebuke is a sin:

Therefore, a person should be careful not to embarrass a colleague – whether of greater or lesser stature – in public, and not to call him a name which embarrasses him or to relate a matter that brings him shame in his presence.

When does the above apply? In regard to matters between one person and another. However, in regard to spiritual matters, if [a transgressor] does not repent [after being admonished] in private, he may be put to shame in public and his sin may be publicized. He may be subjected to abuse, scorn, and curses until he repents, as was the practice of all the prophets of Israel. (Rambam, Hilkhhot De'ot 6:8)

In order to apply these Maimonidean principles to our dilemma we must construe world Jewry and Israel as a single Jewish People, and regard each other as "colleagues." We are applying sources which focus on the individual to a collective sovereign reality – the State of Israel – and this, perhaps, changes the nature of the question about whether one may criticize to the point of public embarrassment. Yet the biblical prophets often engaged in collective critique without concern for the embarrassment of the collective. Their efforts were not always productive – but when they were, they brought about a collective sense of comfort.

For some, this means that moral infractions by Israel must be reproofed publicly until measures are taken to correct them. For others, as long as Israel is employing its own internal systems of self-critique and correction, of committees that investigate and punish all infractions, there should be no need for any public critique or shaming of Israel. And of course, there are those who believe that it is this kind of self-consciousness about unethical behavior, and the potential for public reproof, which cause these systems of self-correction to be created and activated in the first place.

## Many believe that world Jewry is required to offer critique on all issues, whether or not Israel will listen.

In his commentary on a passage in Tractate Yevamot, Rashi (Rabbi Shlomo Yitzhaki, d. 1105), emphasizes a very different principle: that one should not offer criticism if it will not be heard or obeyed. The Talmud says:

R. Ile'a further stated in the name of R. Eleazar son of R. Simon: "As one is commanded to say that which will be obeyed, so is one commanded not to say that which will not be obeyed. R. Abbah stated: it is a duty; for it is said in Scripture [Proverbs 9:8], "Reprove a fool and he will hate you, reprove a wise person and he will love you." (BT Yevamot 65b)

This is a very different application of the same verse from Proverbs text we saw above. Rashi returns to Leviticus 19:17:

"You shall surely rebuke" – indicates we should only offer criticism to those who will embrace it.

Applied to our question, liberal Zionists could conclude that where their critique might be heard it can be articulated, but where it cannot be heard it should not be uttered. Once it has been demonstrated that Israel does not embrace the critique, one should remain silent. On issues of security, economics, and politics, many North American Jews also believe that world Jewry should keep quiet because the consequences of Israeli policies are ultimately only shouldered by Israelis themselves. At the same time, Israeli policies may have an effect on the degree of support world Jewry is prepared to give Israel. As a result, many believe that world Jewry is required to offer critique on all issues, whether or not Israel will listen.

## Saving Our Souls

To complicate matters, Rabbi Zira, in another Talmudic discussion (BT Shabbat 55a), argues the opposite: "Though they will not accept [the rebuke] one must rebuke anyway." Even if one doubts whether the other will accept the rebuke, one is nonetheless required to rebuke, because they might ultimately accept the rebuke. "However," argues the medieval author of the Tosafot commentary on this passage, "in a case where one is sure the other won't heed the rebuke—let them go their way, as it is better they should err in ignorance than intentionally [having been informed of their wrongdoing]"

Elsewhere in the Talmud (BT Beitzah 30a), Raba son of R. Hanin teaches Abaye that one should differentiate between biblical and rabbinic categories of prohibition. If a rabbinic prohibition is violated, it is better not to reprove but to "let Israel go their way as it is better that they err in ignorance than intentionally." In the case of one violating a biblical prohibition,

however, one should rebuke. Yet the text immediately also brings an argument that both types might be ignored, rather than allowing Israel to sin defiantly.

In other words, there are scenarios when, if it is clear that the rebuke will not be heeded, it is preferable not to offer it lest fellow Jews sin deliberately out of arrogance rather than ignorance. This acknowledgement as to the potential ineffectiveness and inapplicability of *tochecha* is quite relevant for us. Because of the diversity of opinion about what constitutes "sin" in the contemporary context, and because reproof will not be heard anyway, refraining from *tochecha* is also a very legitimate stance.

Indeed, the contradictory stands of various rabbinic authorities and interpretations of *tochecha* compel us to consider whether or not the mitzvah is at all relevant in our own time. In the words of one modern halakhic authority, Ben-Zion Meir Hai Uziel (1880-1953), who served as Sephardic Chief Rabbi during the British Mandate, "there are increasingly more sinners and transgressors, who won't heed the rebuke but would ridicule the admonishers, disrespect their honor and continue impudently with their ways."

The question naturally arises, how can we perform the mitzvah of rebuke? Are we commanded to stop doing it as a mitzvah or obligation [if it] won't be heeded, or on the contrary, go out on the attack, excommunicate and ostracize [them], remove them from Jewish burial and not circumcise their sons, etc.? . . . The highly esteemed Torah scholar [cited by Rav Uziel], in his great wisdom, chose a third path: to pursue with words of rebuke, and if they don't heed us, [at least] we saved our [own] souls.... (Responsa *Mishpatei Uziel*, Vol. IV, 1938)

According to this response, the practice of *tochecha* is still important and relevant, and should therefore be performed. From Rav Uziel's third path we also learn the principle of not

attacking those who we believe are sinning. We should not engage in coercive acts such as engaging in boycotts or in other punishing public or political acts against Israel. Even if the critique is not heard or responded to, at least the one offering it has fulfilled their duty and as a result has "saved their soul."

## A Statement of Principles

At present there has been no official response offered by a significant body representing North American liberal Jews to the question of if and how one should responsibly criticize Israel in public. There is no widely accepted set of principles to guide liberal Jews wrestling with this dilemma. Drawing on the principles and values that emerge from the rabbinic sources studied above, however, we can certainly offer text-based standards of behavior and guidance. This new arena, in which Jewish values and beliefs intertwine with Jewish practice in the context of a Jewish democratic state, is exactly where we need the guidance of our sources in order to preserve Jewish peoplehood, not just the possibility of Jewish sovereignty. This is the challenge that the realities of the State of Israel pose for the Jewish People today given the large and vibrant Jewish community in North America, part of which wants to be responsibly involved as religious liberal Zionists.

## The contradictory interpretations of *tochecha* compel us to consider whether or not it is at all relevant in our own time

We don't need a *p'sak halakhah* – a legal decision – but we can, and must, offer "a declaration of principles," precisely because of the collective urgency of the question, which touches ultimately on ethics, theology, and the future of the Jewish People. This declaration is admittedly a highly contextualized

interpretation of the sources. Yet the application of both the context and the particular worldview or ideology of the author has, in fact, been a core feature of halakhic literature throughout the ages. The combination of a particular opinion about a principle of Torah applied to a new context (*da'at Torah*) and the particular worldview and ideology (*hashkafat olam*) of the person writing the response, have always influenced rabbinic responses to new questions.

A Declaration of Principles – offered here as a platform for further conversation – is as follows:

As a liberal religious Zionists, we are inextricably connected to the ideals of Judaism – God, Torah, and Mitzvah. We know that all of these values, together with the value of Israel – the People and the Land – must be upheld in order for any single one to be upheld.

As religious liberal Jews, we are obligated by the mitzvah of *tochecha*. If we believe there is violation of the Torah, and not merely differences of political opinion, then we are obligated by both its imperatives and its limitations. We must be guided not only by our universal ethics but also by our covenant with God and with all other Jews, past, present and future. We learn from our tradition that there is a time to speak and a time to refrain from speaking; a time to critique and a time to refrain from critiquing.

We have studied our ancient and modern Jewish sources and know that critique must be offered in the context of understanding the realities and concerns of Israel, its struggles, its strengths and its place in the global community of nations. We view Israelis and the Israeli government as members of a shared collective, the body/People of Israel, *clal Yisrael*. We therefore must consciously strive not to publicly embarrass or endanger Israel, yet neither can we refrain from offering criticism – even publicly – when we have evidence that transgressions are being committed that must be corrected for the sake of maintaining the highest Jewish ethical standards of the Jewish state.

While we are required to engage in constructive critique, we are also constantly aware of the important distinction between private and public criticism. We must take great care not to cause shame and embarrassment. All public criticism should be uttered in a context of proven concern and loyalty – only after one has demonstrated private and personal attempts to move the other into a new direction. We know that there are many ways our social and political involvement can help Israel strive toward higher standards of Jewish ethical behavior as a state. We commit to refraining from acts which are coercive or violent, but rather restrict ourselves to the use of words directed solely at the ones transgressing.

Criticism should be offered only in the contexts in which it a possibility exists that it will be heeded; it must not be so harsh so as to lead to defiance. Its goal must be to preserve the good name and viable future of the Jewish people. We will refrain from uttering criticism in the cases where it will compromise Israel's ability to defend itself, or diminish the engagement of world Jewry with Israel and its future. But if we don't find a way to engage in mutual critique, we cannot possibly maintain any shared sense of who we are and should be as a people.

There is need for *tochecha* in many areas. Those in Israel who continue to violate the highest ethical principles and standards for Jewish behavior cannot but be perceived as those whom we must criticize so that they might change their ways. We also know of those outside of Israel who actively engage in behavior that aids those who seek the destruction of the Jewish State, and they too must be considered as Jews who are "sinning," violating the values of mutual responsibility. As our tradition teaches, even those who sin are nonetheless still Jews (BT Sanhedrin 44a.) We must do all in our power to rebuke errant Jews and return them to a more constructive path. We cannot disconnect ourselves from them as we seek, with the inherited wisdom of our tradition, to protect the foundations and future of the Jewish People.



**Rachel Sabath Beit-Halachmi** is Vice President, Shalom Hartman Institute - North America and Director of Rabbinic Leadership Programs. Ordained at Hebrew Union College-Jewish Institute of Religion in New York, Rachel holds a doctorate in Jewish philosophy from the Jewish Theological Seminary. She teaches at HUC-JIR in Jerusalem and throughout North America. Rachel has written numerous essays on Jewish life and thought and has co-authored two books.