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REFLECTIONS ON RACISM AND SOCIAL DIVISIVENESS

The killing of George Floyd in May 2020, along with other tragic occurrences that have dominated headlines over this past year, have served to spotlight the reality that racism—an ancient, endemic, ubiquitous scourge, a blight on otherwise humane or humanistic societies—sadly still prevails in a variety of forms, explicit and subtle, egregious and subconscious, specific-personal and collective-systemic. Notwithstanding significant progress in recent decades in the United States, it is an intractable reality and force. Confronting this unattractive, disturbing truth has correctly inspired and provoked introspection among people of conscience. It has motivated an effort to identify and address underlying causes, to try to redress injustices, and to root out the sources and manifestations of discrimination, of dehumanization, of structural and systemic inequality.

As committed halakhic Jews, it is incumbent upon us to seek the wisdom and guidance of our vast and rich tradition in formulating policy and perspective. The consequential issues of any generation particularly demand a comprehensive halakhic perspective. In this vein, it is imperative that we state emphatically and unequivocally our abhorrence for all dimensions of racial hatred and inequality—any forms of discrimination rooted in appearance or ethnicity. It is important that we practice and project a policy of zero-tolerance for conduct and attitudes that demean in word or even by implication the stature and dignity of others.

This position is axiomatic and self-evident, and is anchored in core principles going back to the very beginning of time and creation as recorded

This essay is an edited and expanded version of a talk delivered to students of the Yeshiva University *beit midrash* on October 28, 2020, in advance of the United States Presidential election. The unfolding events of the intervening months have further accentuated the acuity and the hazards of social and political divisions addressed here, although the manuscript has not been revised to reflect these developments. The author and editor express their gratitude to R. Avraham Wein for his help in shepherding the essay to publication.

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in Genesis, and then further codified in halakhic principles and broader values as well. Unfortunately, for various reasons, it is not always sufficiently promoted and reflected unambiguously in our world. Competitive communal forces often conspire to obscure this perspective, be it our own internal challenges or other complicating considerations, including tinges of (or, in some cases, actual) anti-Semitism that unfortunately infiltrate and compromise some of the so-called social justice movements. This makes it even more urgent that we review and reflect upon the fact that Torah Judaism allows no compromise on this issue and demands an absolute rejection of disrespect, demeaning, or dehumanizing of others.

While many Jews were in the forefront of the Civil Rights movements of the 1950s and '60s, prominent Torah personalities rarely occupied high profile positions in this noble struggle. That is why it is particularly important that the contemporary Orthodox community, impassioned by Torah values, should serve as the vanguard in articulating and advocating for greater respect, dignity, fairness, and equality for all peoples. Historically, Orthodox Jews were reticent to become more directly involved in social justice movements because of the inclusion of other political and social agendas which we found problematic. Our discomfort with tactics and with the questionable moral standings of some of the prominent leaders of those causes, including, as mentioned, anti-Semitic attitudes held by some of the leading public personalities, caused us to remain aloof from their movements. While these are understandable and eminently reasonable considerations that are still relevant, we still need to seek a way, both within our own community and in the broader arena, to preclude any kind of misconception about our vehement and uncompromising rejection of the absolutely toxic philosophy that underpins bigotry. We need to find avenues to constructively affect the broader conversation concerning racism.

The well-known introduction of *Mesilat Yesharim* declares that sometimes we ignore or even abandon, to our own peril, the most elemental truths because they are assumed to be self-evident. In that spirit, I will briefly delineate some of the dimensions that establish this terrible scourge of racism as something that is completely incompatible with our worldview.

It is certainly true that, historically, as the prime victims of irrational hate and persistent discrimination, we have a heightened sense of identification with other groups that share the same plight, and have a responsibility to be clear in our support of and assistance to all victims of this terrible scourge. There is a well-known poem, written in the aftermath of the Holocaust by Martin Niemöller, about the cowardice of German intellectuals and others in avoiding the harsh truth of Nazism. His stirring critique takes them to task for their inexcusable and ultimately

self-destructive abandonment of the Jewish People and all persecuted under that most wicked regime:

First they came for the socialists, and I did not speak out because I was not a socialist. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist. Then they came for the Jews, and I did not speak out because I was not a Jew. Then they came for me—and there was no one left to speak for me.

These are very powerful words, articulated by a non-Jew, and they certainly offer an important perspective. Given its sensitivity to the cycle that ultimately undermines the protections of all people and makes everyone vulnerable, this argument ought to resonate with particular force for us, since we are the prime victims of discrimination and hatred.

However, this oft-cited, pragmatic perspective against discrimination, while effective and true, is not the primary basis of our emphatic rejection of that toxic philosophy. The more compelling basis for our absolute obligation to fiercely oppose inequality, racism, and discrimination is far more principled. It is rooted in our sense of justice (*tzedek*) and truth (*emet*) that stands at the center of halakhic law and life and which is an acute sensitivity that precludes tolerance for any kind of victimization.

The stranger, orphan, and widow, the biblical archetypes of those who suffer systemic insensitivity and disadvantage by virtue of their status, merit God's special protection, and they demand our own protective orientation. We cannot properly enjoy or observe Yom Tov or other edifying institutions of Jewish life without being aware, in a hypersensitive way, of the plight of the disadvantaged, of those who are victimized by others. The mandated protective posture *vis-à-vis* these inherently vulnerable populations highlight the theme that *oshek*, the prohibition against manipulating or exploiting the downtrodden, is not to be abided; the *ashuk* has the innate right to protection that triggers legal obligations that devolve on the mainstream of society. These include monetary and other concrete support, but certainly also demand psychological encouragement and reinforcement. The theme of "for you were slaves in the land of Egypt" resonates with this hypersensitivity.

Tzelem Elokim

While these themes are primarily and normatively mostly intra-Jewish, the broader principles and the wider sensitivities certainly apply on the level of humankind as well. Indeed, this brings us to the primary anchor, hearkening back to the beginning of Genesis: the concept of *tzelem Elokim*, humanity's divine image.

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The Mishna states: “beloved is man (*adam*), for he was created in the divine image” (*Avot* 3:14). The commentators note and emphasize the Mishna’s focus on humanity, per se. It is fascinating that this universal motif is incorporated along with the two other concentric circles that accentuate the singular status of the Jewish people: “Beloved are Israel, for they are called children of God; it is a sign of even greater love that it has been made known to them that they are called children of God,” and “Beloved are Israel, for they were given a precious vessel; it is a sign of even greater love that it has been made known to them that they were given a precious vessel (*keli hemda*)—reference to the giving of the Torah and the commandments. These concentric circles, “divine image,” “children,” and “recipients of precious vessels,” form the basis for our conduct as human beings and as Jews.

The first factor, God’s divine image, remains a foundation for Jews whose spiritual profile was significantly expanded by the halakhic commitment. It was not eclipsed by our singular standing as His children or our being possessors of his precious vessel; it is the foundation on which all else rests. Maharal observes that these three circles represent overlap and intensification. “Children” and “precious vessel trustees” further magnify the moral responsibility and spiritual capacity that stem from being created in God’s image. Rashbatz, in contrast, sees each of these rungs as discrete. But both of them agree about the critical and foundational character of the *tzelem Elokim*.¹

¹ Maharal, *Derekh ha-Hayyim* to *Avot* 3:14; Rashbatz, *Magen Avot* to *Avot* 3:14. Notwithstanding his valuable perspective on the interrelationship of these components, it should be noted that Maharal’s general perspective on *tzelem Elokim* in the aftermath of the chosenness of the Jewish people is idiosyncratic and extremely complex. Even in this context, he struggles with the Mishna’s universal formulation, simultaneously acknowledging universal origins and some universal facets but still confining the primary dimensions of *tzelem Elokim* to the Jewish people. This perspective is related to and partially stems from his hyper-enthusiastic view of *kedushat Yisrael* as an intrinsic, quasi-biological quality that is anchored in but transcends the commitment to halakhic life and values. This doctrine, which parallels R. Yehuda Halevi’s controversial “*inyan ha-Eloki*” (*Kuzari* I, 95, 115), also reflects Maharal’s view of the extremely elevated stature of *tzelem Elokim*. In any case, Maharal’s formulations here and elsewhere on these themes are, in my view, particularly abstruse, as he contends with overwhelming contrary evidence as well as the implications of the institution of conversion, which he embraces as a full expression of *kedushat Yisrael* (see, for example, *Tiferet Yisrael*, ch. 1, in contrast to *Kuzari* I, 27). Certain minority opinions, represented in the thought of Maharal, R. Yehuda Halevi, and other classical sources, admittedly strike potentially discordant views to the thrust of what I present here. These distinctive positions are widely known and discussed, and are at odds with mainstream classical Jewish thought. Space limitations prevent me from contending more fully with their ideas.

There is wide-ranging debate about the essential feature of *tzelem Elokim*, the factor that distinguishes humans from other creatures and that projects an anthropocentric world view.² One view accentuates man's transcendent origins, identifying the divine image as the eternal soul implanted in mankind, the source of his spirituality.³ Others define man by his singular capacity for choice, which imposes accountability for his conduct and responsibility for the moral climate he fosters.⁴ According to Rashi, Rambam, and numerous other Jewish thinkers man's stature is synonymous with his intellectual endowment, enabling his capacity to recognize, acknowledge, and interface with Divinity and transcendence, the telos of creation and existence.⁵ Moreover, man's rationality decisively informs his actions, his priorities, and the values that suffuse his existence with purpose. Consistent with the Torah's explicit emphasis, R. Sa'adia Gaon projects *tzelem Elokim* as the foundation for human sovereignty and leadership in the world.⁶ R. Soloveitchik maintained that man's unique stature manifests itself in his creativity.⁷ There are, of course, other views, as well. In any case, it is self-evident that all perspectives on man's uniqueness, and they are certainly not mutually exclusive, apply equally to all of humankind.

On the *Yamim Noraim*, days of prayer and supplication that particularly reflect and emphasize the uniqueness and primacy of *kedushat Yisrael*, we open our *tefillot* by prominently beseeching God that each

² The assertion that the universal motif remains an important foundation for Jews should not be misconstrued. It is axiomatic that halakhic principles are primary and that they dictate normative and ideational response when there is tension or conflict. R. Soloveitchik's guidelines for interaction and cooperation with other religious groups delineated in "Confrontation," his analysis of being a "stranger and resident," and his formulation of the required balance between universalism and particularism encapsulate this theme. These principles inform the perspective and conclusion of this presentation, which encourages continued social engagement notwithstanding challenges and difficulties as long as these do not jeopardize our maximalist adherence to halakhic norms and values.

³ Ibn Ezra, Genesis 1:26; Maharal, *Derekh ha-Hayyim*, op. cit.

⁴ Seforno, Malbim, and *Meshekh Hokhma*, Genesis 1:26.

⁵ Rashi, Genesis 1:26; Rambam, *Guide* I:1, *Hilkhot Yesodei ha-Torah* 4:8, *Hilkhot Teshuva* 10:6.

⁶ Sa'adia Gaon, Genesis 1:25, 9:6, also cited by Ibn Ezra, ad loc. Hizkuni (Genesis 9:7) posits that *tzelem Elokim* is the basis for moral and judicial leadership.

⁷ The conception of human creativity as a central halakhic value is a leitmotif in R. Soloveitchik's thought, and he locates the obligation to strive for creativity as an aspect of emulating and walking in the Divine path. Unquestionably, this perspective is deeply informed by his pervasive halakhic orientation, and particularly its Brisk manifestation, where *hiddush* is especially admired and impactful. The second section of *Halakhic Man* reflects this posture.

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and every human creation be inspired to experience and respond to His sovereignty. Even, and especially, as we immerse ourselves in the themes of Jewish chosenness and its enhanced opportunities of serving God, it is necessary to reassert and reintegrate our own broader *tzelem Elokim* foundation. But primarily, in the context of our own introspection, it is a propitious opportunity to identify with the importance of the broader human quest for spiritual purpose, and to implicitly affirm an important halakhic principle: the innate value and spiritual potential of all people and peoples.

While *tzelem Elokim* establishes the stature of each individual, the diversity of mankind is also prominently acknowledged in the Torah, and amplified in halakhic and midrashic sources. From the very beginning, this diversity was apparently perceived as enriching the world and its goals. Adam was created from “the dust of the ground” (Genesis 2:7). While *Hazal* record the view that this formative dust came from the site that was destined to become the Holy of Holies, accentuating a very particularistic, aspirational, halakhic creation focus that is certainly the central tenet in Judaism, they equally suggest that this primordial dust was gathered from the four corners of the earth (*Genesis Rabba* 14:8 as cited in Rashi), implying that diversity and cosmopolitanism also significantly enhances human existence and facilitates mankind’s spiritual goals.⁸ The rabbinic doctrines that the world is comprised of seventy nations, that there are seventy languages, that this variety is reflected in the sacrificial order of Sukkot, and that Jerusalem is identified by seventy different monikers supports the view that this wide range is intentional and consequential. The fact that there are also seventy “faces” of Torah commentary, that the Torah was translated into seventy tongues, establishes that this phenomenon is spiritually significant, underscoring the value placed on the full range of human cultures (presumably when they manifest Noahide values), alongside the primary focus on Jewish and halakhic life. While the details are ambiguous, it is implicit in *Tanakh* and *Hazal* that this seventy-nation range and the constructive diversity it embodies likely extends to the messianic vision and era as well.

The dignity and indispensability of each individual is unequivocally articulated in the Mishna’s principle that “Anyone who destroys a life, the verse ascribes him blame as if he destroyed an entire world; anyone who

⁸ R. Soloveitchik’s essay “Majesty and Humility” (*TRADITION* 17:2 [1978], 27–31) also perceives the two views in *Hazal* as representing two dimensions of human morality and spirituality, although his dialectic focuses on the distinction between what he characterizes as “cosmic-conscious” man and “origin-conscious” man.

saves one life, the verse ascribes him credit as if he sustained an entire world” (*Sanhedrin* 4:5). While the printed texts of the Talmud (*Sanhedrin* 37a, *Bava Batra* 11a) record the version “one Jewish life,” possibly because the Mishna addresses a specific point in Jewish law, the introductory clause, “Therefore Adam the first was created alone,” which invokes Adam’s origins as a single and singular creation, reinforces the manuscript evidence supporting the more universal formulation and application.⁹ This conclusion explains why, prior to this monumental pronouncement about the inherent sanctity and irreplaceability of each individual life, the Mishna exemplifies the high stakes involved in adjudicating capital crimes by accentuating the plural form in the verse that depicts the tragic murder of Abel that marred the origins of human history (*demei ahikha*, Genesis 4:10). It is surely significant that the innate sanctity of all and every human life is perceived as the ideal foundation for the particularistic halakhic formula of “*inyum*” (the warning administered to witnesses in a capital case).

Implications of Tzelem Elokim

The texts and principles we have briefly examined attest to the innate sanctity of each individual and also to the potential value of national, biological, and cultural diversity in the human population, precluding the odious notion that race or some other trivial or arbitrary factor determines stature.¹⁰ The very notion that ethnicity, color, or race are relevant

⁹ See also *Avot de-R. Natan* 31:2 and Rambam, Commentary to *Sanhedrin* 4:5 (with the exception of the Vilna edition). Interestingly, Rambam inserts “*Yisrael*” in *Hilkhot Rotzeah* 1:16, but projects the broader application in *Hilkhot Sanhedrin* 12:3.

¹⁰ Even as we emphatically reject the notion of biological inferiority or racial discrimination, it is important to acknowledge that nations, like individuals, through the exercise or abuse of free will, are held accountable for their conduct, policies, and beliefs. This is equally true for Jews as individuals and as a nation, as well as for non-Jewish individuals and their collective entities, though the specific dynamics of retribution and reward occasionally diverge. While the standard of Noahide law is particularly relevant on the individual plane for non-Jews, the fate of nations and cultures that cultivate or embody ideological or moral postures and policies that fundamentally contravene or even endanger the core tenets of Jewish and Noahide life, of a sanctified and purposeful existence, is more amorphous and complex. These spiritual and moral crimes have occasionally triggered forceful Divine retribution that resulted in far-reaching punishment and entailed forfeiting their standing as proper denizens of God’s sovereign creation. The flood generation, Sodom, and Amalek represent extreme manifestations of this phenomenon in Biblical times. The status of the seven Canaanite nations, Ammon and Moab, Canaan in the aftermath of Noah’s curse, and other rogue nations whose actions and ideologies were fundamentally contrary to sanctified Jewish and Noahide life is a complicated topic, subject to different halakhic and hashkafic views that requires independent treatment. Mostly, these issues are unrelated to our topic.

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axiological considerations is fundamentally incompatible, not only with the principle of *tzelem Elokim*, but with the entire spiritual orientation at the center of Torah life. Obviously, race and ethnicity pose absolutely no barrier to achieving *kedushat Yisrael* via conversion. In a celebrated, albeit historically controversial responsum, Radvaz confidently asserts that the Jews of Ethiopia were actually native Jews, descendants from the tribe of Dan. The racial issue is not addressed even from an historical perspective. Nor is this factor responsible for the controversy surrounding his position on this matter. The historical accuracy of Radvaz's claim, or its contemporary halakhic relevance given likely subsequent intermarriage, has been questioned, even disputed, but the issue of ethnicity per se is completely immaterial.¹¹ The heroic rescue of the community of Ethiopian Jews undertaken by the State of Israel in our era, and the resources committed to their integration into Israeli society, exemplify the pervasive Jewish sensibility that human value, as well as Jewish identity, is oblivious to racial or ethnic origin.¹² This elemental principle applies with equivalent force to our interactions inside and outside the Jewish community. All facets and forms of bigotry and discrimination including the most subtle and seemingly trivial, should be perceived as inherently abhorrent and should provoke our condemnation as well as inspire our efforts to promote a more just and principled society that is intolerant of such crimes.

While the core principles of harmony, dignity, and mutual respect should be self-evident in all political and social frameworks, tragically, they have rarely constituted the societal norm. The phenomena of ego, competition, and self-aggrandizement that stimulates strife, hatred, and violence, is endemic to the human condition and is, alas, ubiquitous to human civilization from the earliest days of mankind.

Biblical Formulations of Tzelem Elokim

As noted previously, Cain's horrific murder of his brother at the dawn of history underscored the incalculable value of a single life. But, significantly,

¹¹ *Teshuvot Radvaz* 7:5, and see *Tzitz Eliezer* 12:66 and *Teshuvot ve-Hanhagot* 1:767.

¹² Clearly, racist attitudes have not been excised from each and every Israeli heart, nor has the integration of the Beta Israel community into mainstream society been without challenges. Yet, there can be no doubt that the aspiration itself, achieved to a very great degree if not completely, is a reflection of core Jewish values. The fact that no less a rabbinic figure than R. Ovadia Yosef vowed to fire any principal in Shas-affiliated schools who would not admit Ethiopian Jewish children, is a testament to this value being put into action on the halakhic and public policy levels of managing the State.

it also initiated and thereby reflected a pattern of irrational hatred engendered by human rivalry that constitutes an omnipresent challenge in all social frameworks. It is noteworthy that Genesis (4:8) strikingly ignores the specific impetus and the details of this shocking crime. Evidently, the dialectical paradigmatic features of this first hate crime far eclipse the significance of the circumstances of the particular tragedy. The omission of a motive reflects both the inherently inexcusable nature of the crime—there can be no acceptable justification—as well as man’s capacity and occasional propensity for gratuitous hatred and mindless cruelty. Man’s divine image, designed to elevate his existence and promote purposeful interactions with diverse individuals and populations fell prey to a brother’s ego, jealousy, lust for power, and abuse of free choice. This almost immediate and most egregious breach of the *tzelem Elokim* foundation should have engendered an intensified commitment to and internalization of the concept.

Tragically, it did not. The Torah proceeds to highlight systemic, systematic, and ultimately irrevocable corruption of this ideal. Instead of highlighting the sanctity, dignity, and spiritual capacity implicit in man’s endowment in God’s image, the flood generation fostered an implacable ideology of “*hamas*,” connoting, according to *Hazal*, economic, verbal, and physical hostility. Ultimately, this development sealed the fate of Adam’s world, as it was rendered unsalvageable.

The Torah formulates the principle of *tzelem Elokim* in two different passages, with varying emphases. The first, of course, coincides with and proclaims man’s creation and defines his unique existence, also charging that he assert his dominion over his environment and his fellow creatures.

And God said, Let us make man in our image, after our likeness, and they shall rule over the fish of the sea and over the fowl of the heaven and over the animals and over all the earth and over all the creeping things that creep upon the earth. And God created man in His image; in the image of God He created him; male and female He created them (Genesis 1:26–27).¹³

In the aftermath of the flood, when God addresses Noah in a reconstituted world, *tzelem Elokim* is repeated.

¹³ There is, of course, another reference. When the Torah summarizes and highlights a different dimension of man’s personality and creation, we read: “This is the narrative of the generations of man; on the day that God created man, in the likeness of God (*bidmut Elokim*) He created him” (Genesis 5:1). It is curious that the Torah only uses the term “*demut*” in this context. *Hazal* state that this verse encapsulates a major principle of Torah thought, at least according to Ben Azzai (*Genesis Rabba* 24:7), but the context itself does not apply the principle to any particular value or norm.

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Whoever sheds the blood of man through man shall his blood be shed, for in the image (*tzelem*) of God He made man. And you, be fruitful and multiply; swarm upon the earth and multiply thereon (Genesis 9:6).

Why was it necessary to revisit this principle at this juncture? Much had changed in the reborn world, but the fact that Adam, mankind's ancestor, had been created in the divine image remained an established fact. Moreover, it is intriguing that *Avot* cites the Noah version of *tzelem Elokim* to celebrate ("Beloved is man...") and to integrate with the additional dimensions of halakhic commitment.¹⁴

An examination of these two renditions, however, reveals important differences of substance and context. The account at the beginning of Genesis formulates a tantalizing concept that distinguishes man, but, simultaneously, obscures his singular qualities. The commentaries diverge widely in their interpretation because the Torah's formulation is intentionally vague and because man is singular in numerous ways, some overlapping and some discrete. Man's unique qualities may also conflict or compete: his spirituality is not always compatible with his proclivity for dominion; his free choice may contravene his rationality. The fact that God proclaimed this truth rather than addressing it to Adam himself may be misconstrued to imply that *tzelem Elokim* is an irrevocable fact that confers status and prerogatives, encourages dominion and affirms superiority, but does not impose limits, obligations, and sacrifices. The declaration that man is created in God's image (Genesis 1:26–27) is not explicitly linked to any moral code, nor does it explicate man's sanctity or irreplaceability. While there may have been vast spiritual benefit if man had accurately deciphered, prioritized, internalized, and implemented this noble principle through his own initiative, human history, replete with fratricide and *hamas*, demeaning and dehumanizing behavior, fueled by free choice, ironically a dimension of man's singular status, unfolded quite differently.

The contrast with the Noah version is stark. In the aftermath of the flood, Noah's charge is to reconstitute the world on a completely different basis. Therefore, the Torah repeats the core principle of *tzelem Elokim*, as if to say, "It previously failed but it remains the bedrock." This expression of continuity, however, is augmented by a subtle reformulation that explicates what had previously been left to man's ingenuity and initiative. Moreover, God does not declare this abstract truth, he addresses Noah directly and charges him with its implementation as part of an

¹⁴ Maharal, *Derekh ha-Hayyim*, and *Torah Temima* on Noah speculate about this, as well.

explicit moral code that is translated into an actionable norm. By anchoring the prohibition against murder in this first principle of man's uniqueness, *tzelem Elokim* was revealed to be the embodiment of innate human sanctity and irreplaceability. The notion that man's ego or aspirations could imperil another was emphatically excluded. Man's privilege and status was tied to his humane posture, to his responsibility and nobility. Radak and others note that these verses establish *tzelem Elokim* not only as the basis for prohibiting and punishing murder, but also imply that the transgressor's life is forfeit because his conduct diminishes his own innate sanctity-*tzelem*. In the post-flood world, the need to assert and reaffirm the *tzelem* and to expand it significantly for both victim and aggressor became foundational.

When the passage in *Avot* sought to establish the three cornerstones of Jewish life, it employs the word "*adam*" to connect to the original principle that defined man's creation and to highlight the universal motif of innate human value, but chose to source the norm-oriented *tzelem Elokim* formulation of the post-flood world, and only then proceeds to the particularistic statement, "Beloved are Israel, for they are called children of God" in light of the special endowment of Torah and *mitzvot*. If we fail to be concerned for and to protect human sanctity, if we are impervious to the vulnerabilities of others, we risk our own foundational *tzelem Elokim* and undermine the significance of being "His children" and embracing the "precious vessels" gifted to us. The post-flood explication of *tzelem Elokim* particularly resonates in the struggle against all forms of prejudice and dehumanization, as it not only acknowledges the value of all men, but also establishes responsibility and accountability towards others as an important dimension of that defining foundation.¹⁵

Contemporary Racism

Our contemporary struggle against the scourge of racism, racial injustice, and other manifestations of inequality requires more than simple slogans and the reflexive condemnation of obvious abuses and injustices. If we are to play a constructive role in promoting harmony and dignity and in elevating our political, social, and ideological environment, it is important that

¹⁵ See, also, R. Soloveitchik's formulation which also underscores that *tzelem Elokim* is not merely a truth or prerogative, but a moral challenge. In that context, he posits a connection between this theme and the halakhic-moral principle of emulating God and walking in his path. As noted, the Rav projects human creativity to be central to both of these themes, further reinforcing his view that the two are linked. See *Family Redeemed* (Ktav, 2000), 7.

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we cultivate an acute awareness of some of the subtle undercurrents that dictate a comprehensive and complex posture. It is particularly disturbing to witness the ubiquity of racial politics on both sides of the ideological and political spectrum. It is important that we avoid falling prey to some of the excesses that appear to be reasonable, just, even compelling, but that actually facilitate agendas that are inherently problematic. As representatives of halakhic values, we should be unequivocally activist and supportive of racial justice. At the same time, it is particularly incumbent upon us to responsibly assess the implications of our actions, statements, and policy support to ensure they are compliant with Torah values and interests.

The politically strategic use of code-words and bigoted tropes to stir enmity, fear, or exacerbate tensions in order to garner political support, a tactic common in old Southern politics, is both indefensible and outrageous. It should be roundly and unequivocally condemned. Responsible leaders should be absolutely clear on the fundamental principle of racial equality and justice, just as we demand, as Jews, the unreserved rejection of anti-Semitism, though we often are faced with disappointment on that score.

We should be wary about the exploitation of noble causes. Dishonestly labeling a legitimate policy opponent a racist for political gain is a particularly despicable practice. In addition to intentional character assassination, it gratuitously escalates tensions and intensifies animosity between different communities, the very ills that social justice activists purport to combat and neutralize. Hypocritical and unethical tactics taint movements and discourage the participation and support of honest observers. It is especially disturbing that immoral strategies often engender little outrage, as they are simply attributed to “politics as usual.” One need not be naïve to be offended to the core.

Racial justice, every pursuit of justice, is a noble and urgent program that demands high ethical and moral standards. “*Tzedek tzedek tirdof*” (Deuteronomy 16:20) has sometimes been homiletically rendered “pursue justice justly.” Certainly, this is the substantive halakhic view that does not tolerate the equivalent of *mitzva ha-ba’a be-aveira*, cutting corners to achieve noble ends. The more idealistic the cause, the greater the need for integrity. This perspective contrasts sharply with the unscrupulous tactics, corruption, and violence that we occasionally witness and that are justified in the name of social justice activism.

Racial justice is a worthy movement that must translate into action and into policy. However, identifying effective remedies is typically a very complex endeavor. Irrespective of one’s particular policy advocacy, the

principle of honest debate and the promotion of respectful disagreement absent the demonization of opponents is indispensable to efficient government, but, perhaps more importantly, substantively and symbolically, to basic social interaction.

Divisive Social and Cultural Climate

It is here that racial injustice and racial politics intersects with acute political and social divisiveness, a disturbing and dangerous phenomenon that has in contemporary times reached crisis proportions. The toxic political climate we are currently experiencing is objectionable and counterproductive in its own right. Moreover, the deterioration of political discourse and tactics and the intensification of belligerence and contentiousness constitute and reflect a broader erosion of dignity, mutual respect, and responsibility that provides the larger cultural backdrop for irrational hate, inequality, and other social maladies. We have briefly examined the scope and implications of the earliest and most core principle associated with humanity, *tzelem Elokim*. That foundational concept, and numerous, far more expansive halakhic values, completely exclude bigotry and discrimination, and, additionally, demand civility, honesty, and empathy.

The tactic of character assassination is destructive to the goal of healthy debate and analysis. It undermines the ultimate goal of healing fractures and promoting social harmony in a diverse society. Unfortunately, this has become ubiquitous, even the norm in our “cancel culture” climate.

The dishonest, discordant discourse, contrasts sharply with halakhic standards and sensibilities. The Talmud (*Shevuot* 30b–31a), invoking the verse “Distance yourself from falsehood” (Exodus 23:7), demands not only technical honesty, but a rejection of any misdirection or any breach of integrity. This is applied even at the expense of achieving noble ends. While these laws technically only obligate Jews, they represent an inspirational paradigm and an important alternative to the posturing, polarizing, and contentious interactions that are becoming more prevalent.

The halakhic system values, even relishes, fierce, passionate, principled debate. The Talmud (*Kiddushin* 30b) is aware that such heated debate can give the appearance of hostility, but its true character is revealed when “enemies” (*oyevim*) emerge as “loving friends” (*ohavim*). The “*milhamta shel Torah*,” with its loud, unrelenting, apparently rancorous tone soon gives way to a brotherhood of disputants engaged in a mutual pursuit of truth.

Debate and dispute, even vociferous, spirited argumentation is the foundation for halakhic analysis and decision making. Indeed, the exchanges

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between *hakhmei ha-mesora* can be quite vituperative at times (see, e.g., Rambam and Ra'avad; Ba'al Ha-me'or and Ra'avad and Ramban; Rashba and Ra'ah; and others). Given the gravity and stakes involved in the effort to determine halakhic norms and Divine truths, each disputant's fealty to "the honor of Heaven" was invoked as the classic justification for the apparently excessive passion that threatened proper etiquette. But, in the end, these giants of our tradition rarely cross the line into truly intemperate rhetoric. *Avot* exemplifies the vigorous disputes between Hillel and Shamai as "argument for the sake of heaven." As fierce as their debate was, it was honest, without posturing or deceit. Opposing sides shared a common vocabulary, a unified methodology, and a single goal that bonded them—"kevod shamayim," the maximalist aspiration to decipher, disseminate, and to live by God's word.

Despite occasional critical tones and many impassioned disagreements, the combined efforts of untold generations of *hakhmei ha-mesora*, produced and continues to advance the oral law, the core component of Torah, and the primary repository of halakhic values. This sustained collaboration was the cornerstone in the magnificent partnership between the Almighty and the Jewish people in the halakhic enterprise.

Notwithstanding the indispensable contribution of vigorous debate in the halakhic process, it is noteworthy that the halakha accords significant substantive weight to personal humility, a more respectful posture toward one's opponent, and evident receptivity to divergent views. The Talmud (*Eruvin* 13b) declares that Hillel's halakhic view was adopted because he demonstrated a greater respect for his opponent and for his position. Clearly, etiquette per se is not a factor in the search for Divine truth. However, Hillel's respect for and receptivity to alternative perspectives, his willingness to neutralize his own ego and bias to seek truth, established him as a more objective authority. His own position came to be perceived as more compelling given his collaborative and more flexible character. His bipartisan orientation was perceived as a moral and intellectual asset.

Contemporary culture, sadly, has come to eschew mutual respect in either the cultural or political realms. It behooves us to recall the origins of secular political theory in ancient Greece. The pioneering works of Socrates, Plato, and Aristotle advocate social mechanisms that promote efficiency, but which are synonymous in practice with morality and justice. Unfortunately, we have become inured to the almost total decline of cooperation, even in a crisis. Daily, we experience competing political and social narratives sustained by alternative facts and pseudo-facts, incompatible and irreconcilable. Each partisan view loudly, confidently, and authoritatively accuses the other of disregarding truth, facts, and science.

The take-no-prisoner, brook-no-compromise orientation of contemporary culture bodes poorly for effective governance at a time of especially important challenges. Moreover, it fosters a toxic culture that further accentuates division and divisiveness, exacerbating disharmony, undermining the value goals of nobility and principle. This breakdown is further reflected in the increasingly common use of violent speech, a phenomenon (*hamas devarim*), that *Hazal* identified as both a reflection and cause of the corrupt society of the flood generation (*Genesis Rabba* 31:4). History has repeatedly demonstrated, and we have tragically experienced this in our era, that violent rhetoric, vicious invective, demeaning language, belligerent talk, is not only inherently offensive and objectionable, but is also a potential catalyst for violence—personal, national, or global. In addition, the absence of any semblance of authentic cooperation in a spirit of common values creates a vacuum that encourages unprincipled, exclusively pragmatic alliances founded on the lowest common denominator that ill serve the common good.

These phenomena are very worrisome. They are particularly concerning to Torah Jews whose respect for language, communication, and articulation is deeply rooted. “*Nefesh hayya*” (“the living spirit”; Genesis 2:7) infused into man as the basis of his “*tzelem Elokim*,” is rendered by Onkelos as “*ru’ah memallela*,” the capacity for speech and articulation. The Talmud (*Pesahim* 3a–3b) places a premium on the importance of language, including brevity, but especially urges the cultivation of refined speech patterns. *Hazal* understood that language is no mere pragmatic tool or mechanism for communication, but rather is an essential aspect of man’s rationality and spirituality.

The question of sincere debate and of authentic, principled collaboration resonates deeply for us as well. *Avot* (5:17) establishes that while Hillel and Shamai represent sincere, constructive debate, *mahloket le-shem shamayim*, Korah and his followers embody the opposite. The standard of cynicism and manipulation can be discerned both in their disputes as well as in their cooperative ventures. Korah pursued the politics of disruption and divisiveness, of divide and conquer (see Onkelos to Numbers 16:1). Korah postured and spun his narrative, well aware that it was inaccurate (see *Midrash Rabba*, cited by Rashi), and he did so for political gain. As Malbim insightfully notes, the alliances of one who is inherently divisive and contentious are likely to be founded not on real common ground but on mutual exploitation rooted in the lowest common denominator. There can be no real harmony among disrupters.

In my opinion, this analysis is also relevant to the generation of the tower of Babel. A cursory reading of the text (Genesis 11:1–9) initially

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implies that the people were united (“one language and unified words”), but a more careful examination, especially through the lens of the classical commentaries, reveals that their union was only a pragmatic, cynical alliance. It papered over significant disagreements, it ignored the diverse character of the member nations, and it coalesced only to rebel against God. Theirs was an expedient unity lacking real harmony, although possibly preferable to the outright antagonism and violence that prevailed during the generation of the flood, when the ideology of “*hamas*” dominated and ultimately doomed the world.

While the social and cultural climates, at present, have significantly deteriorated, our charge and our challenge are to neither retreat nor to disengage. Rather, it is to harness and mobilize our values and ideology as a constructive counterforce. We need to intensify our internal efforts to cultivate and project uncompromising halakhic principles within our own world as we educate our students and children, and we need to fortify and reinforce these ideals in our daily lives. At the same time, we have a responsibility and opportunity to articulate a more just posture on human sanctity and dignity in all of its varied dimensions with confidence and clarity in the marketplace of ideas and throughout the larger society.

Jews have thrived and flourished in the United States because, at its core, the American enterprise is anchored in fairness, justice, and humanism. Despite its historical shortcomings, including a problematic, imperfect record on equality, the United States, relative to other countries and cultures, has been and remains a formidable beacon of values and idealism. In recent years, I have been reading biographies of some of the founding fathers and other great American statesmen, mostly inspirational accounts of impressive men of faith and vision who profoundly impacted the ethos of the nation.

In the final analysis, ours is a country which is very much anchored in the aspirational core principle of *tzelem Elokim* in all of its dimensions. We should therefore remain optimistic that despite recent troubling developments, dignity, empathy, and idealism will ultimately resonate and again prevail. Our sincere principled voices advocating for equality, justice, the innate sanctity of life, empathy, and mutual respect can be impactful in ways both small and large.

Avraham was both the founder of our own nation and faith, but also held the title of “father of many nations” (Genesis 17:5). This was demonstrated by his involvement in broader society, the battle of the kings, his protective efforts to guide and preserve Lot (despite his nephew’s problematic choices). Avraham’s life and legacy reflects a relentless optimism and consistent determination to impact and to enrich all the concentric circles of his world.

God's promise to Avraham, that, through him, the entire world will be uplifted and blessed, is itself a consequence of his uncompromising idealism combined with his wise, appropriate pragmatism. Avraham knew what the parameters of interaction with the world were meant to be—when to be insular, when to be interactive. However, he was, even in his pragmatism, never expedient. His reputation for integrity, dignity, and responsibility is certainly part of the history and heritage that he bequeathed to his descendants. It is important that we prove worthy of that legacy so that we reaffirm our commitment to the triple foundation: beloved as members of the human race, created in the divine image; beloved as Israel, called children of God; and beloved recipients of His precious vessels, the Torah and the commandments.