POST-PANDEMIC COMMUNAL RECOVERY

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ויהי אחרי המגיפה

Baruch Hashem, as we are writing this, the pandemic seems to have abated, and we are on the verge of a return to normalcy. There are very tangible losses: the thousands(!) of people who we lost to the pandemic and the *almanos* and *yesomim*, whose lives will never be the same. We also have gaping unknowns: the status of children whose *chinuch* was so disrupted in their formative years, the economic upheaval that is yet to settle and the shuls that didn't function.

But there is another area of our public life, which I think has been severely impacted, and that is *beyn adam le-chaveyro*. Feelings and tensions ran high between the "masked" and the "unmasked," the "cautious" and the "risk-takers" and the "deniers" and "believers." Words like *"rotzeyach."* and *"moser"* flew back and forth with passion and vehemence. Tempers flared and raged. True, the practical argument is over (perhaps vaccination is still an issue), but the scars remain. People no longer want to return to a community that tossed them out unceremoniously for not abiding by the rules or to communities that were callous and flagrant in their

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defiance of the rules, endangering everyone. I have heard many people express the sentiment, "I cannot go back to that shul... to that rav... to that community...". How is one supposed to feel after being branded as a "*moser*" or a "murderer"?

In a country where passions tend to be calm and "live and let live" seems to be the ethos, we have been tested in ways that we have never been tested before. We have—as a community—been reasonably good about interactions between various sectors: Chassidim and *Misnagdim*, Sephardim and Ashkenazim, more modern and more traditional. This really begs the question of "were we such accomplished *anshey shalom*—peaceful people, or had we just stopped caring about the issues"?

Therefore, at this time, we need to learn how to create "*shalom*" (as it no longer seems to exist automatically), when there are real and difficult issues dividing us—without compromising on that which we strongly believe in.

R. Moshe Soloveitchik, *zatzal,* discussed the following *Midrash:* "It says that when Hashem created the world, He [so to speak] consulted four angels: Kindness, Truth, Charity and Peace. Kindness and Charity were in favor of creating man, as man is both kind and charitable. Truth and Peace opposed creating man, as man is neither truthful nor peaceful. Hashem tossed Truth to the ground, and thus [by having a majority on his side] created man."[1]

R. Moshe asked, "How did throwing Truth overboard solve the problem? Was He not still proclaiming that man should not be created?" R. Moshe answered, "It is not impossible for man to be either truthful or peaceful, but achieving both is where the almost-impossibility exists. Once Truth has been cast aside, man has no difficulty in being peaceful."

In an issue such as the pandemic—where each side rightfully feels so stronglyabout their point of view—we need to understand, what does the Torah obligate us to do to avoid *machlokes* and how do we pursue *shalom* without compromising e*mes*?

Let us first begin to deal with the current situation. In order to appropriately come together again, we need to learn to separate the "opinion" from the "person." Let us assume that I feel strongly that not wearing a mask endangers human life. It is incumbent upon me to speak and write in the strongest of terms about how not wearing a mask endangers life and is a

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1. *Bereyshis Rabba* 8:5.

form of *retzichah*. It is also incumbent upon me to lobby the members of my community to make appropriate rules, and it is most appropriate for me to make sure that they are properly adhered to.

But when I turn my focus to a member of a different community, I should never think in terms of "*rotzeyach.*" If we consider for a moment, we will realize that this other person is a kind and gentle person. He will do anything to feed a poor person or help a sick person. Does he aim to kill, maim or harm in some way? Therefore, is he a *rotzeyach*? *Chas ve-shalom*! Yes, his head is wired differently, as Chazal say, "Just as their faces are different, so too are their minds different".[2] I may think the other party needs a complete rewiring (and probably they think the same about me), but he, according to what he understands, is not doing anything wrong. I need to bear this in mind when I deal with him in any context other than the mask issue itself. He is indeed a good person, almost certainly a kind person, but his thinking in certain areas is simply confused.

I have an acquaintance who has very strong right-wing opinions about Israel giving back territories. He believes that Israel's very existence is endangered by giving back anything at all. He got into a heated argument with a fellow shul member, whose views were the exact opposite of his, i.e., someone who feels that returning the territories and allowing for a Palestinian state is the only way to ensure the continued existence of Israel. My acquaintance got into a furious fight with him and declared that he will never speak to him again, because "he is an enemy of the Jewish people!"

I posed the same question to my acquaintance and challenged him, "Does the other person want to see Israel or the Jewish People hurt in any way?" He admitted that not. "Does he support Israel financially and in other ways?" He admitted that yes. "Then what right do you have to make this into a personal enmity (especially in light of the fact that to the best of my knowledge neither of the two was being considered for the position of Prime Minister of Israel)?"

And this happens constantly. Disagreements about issues become personal enmities. The reason why we keep running into *machlokes* is because we have difficulty separating the person from the opinion. We need to be able to articulate our positions clearly and passionately but to perceive the other for what *he is*, rather than for the positions that he articulates.

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2. *Talmud Yerushalmi, Berachos,* 9:1.

The most powerful example of this approach is demonstrated in the relationship between Shamai and Hillel. These were two great schools of *Torah she-ba'al peh*. The Gemara describes an argument about a Halacha which according to *Beys Hillel's* opinion rendered some *of Beys Shammai's* children *mamzeyrim*. Still, the Gemara says, "*Beys Shammai* did not withhold marrying wives from *Beys Hillel*, nor *Beys Hillel* from *Beys Shammai* [where mutually permissible], to teach you that there was love and friendship between them in fulfilment of the verse, 'they loved truth and peace.'"[3]

This Gemara is a profound paradigm of how Torah debate should take place in *Klal Yisroel*. On the one hand, both *Beys Shamai* and *Beys Hillel* were required to unequivocally state their halachic opinion. They were not allowed to downplay their version of the Halacha for Truth would thereby be compromised. On the other hand, they did not allow their disagreement to affect their personal relationship in any way as Peace would be compromised. They willingly married each other, making sure that each side was aware of any halachic issues!

Looking into the future, what methods can we use to attenuate future *machlokes* of this type? After all, Shamai and Hillel are an extremely high bar to aim for.

Rambam explains the prohibition for having two conflicting customs in one community: "Included in this prohibition is having two *botey dinim* in one city having different customs, for this creates great strife ... "[4] (The normative Halacha is that two separate communities — even if in one city — may have distinct practices.[5])

This means that it is obligatory to respect the *minhag* in each community's shul, irrespective of what you think the Halacha is. Unfortunately, I have witnessed people in an Ashkenaz shul deliberately saying "*ve-yatzmach purkaneyh*", and on the other side people making no effort, or, worse still, deliberately deleting it in a Sephard shul. While there is room to debate whether technically "v*e-yatzmach*" or the lack thereof constitutes a halachic problem of *lo sisgodedu,* certainly it seems to fulfil the spirit of it. Respecting a community's *minhag* is a foundation of *shalom*.

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3. *Yevamos* 14b.

4. *Avodah Zara,* 12:14.

5. See *Beys Yoseph, Yoreh Dey'ah, siman* 242 and other sources.

This came to the fore during the pandemic. People thought nothing of entering a shul and blatantly disobeying what was written on the wall. The rules may have been wise or stupid, but whatever they were, it was wrong to disobey, as Rambam states that this is one of the great causes of conflict.

An especially sore point has been the willingness of communities to disregard the instructions of their own Rav.

I would like to present two stories of *gedoley Yisroel* and the care that they took not to subvert the standing of a Rav.

The first one is about R. Yitzchok Elchonon Spector, the Rav of Kovno and recognized *Gadol haDor* of Lithuania.[6] A certain town had a long-standing dispute with their Rav. To the Rav's misfortune, he incorrectly *paskened* a certain issue, obviously forgetting the ruling of the Shach. The community leaders sent the *she'eylah* in an "innocent" letter to R. Yitzchok Elchonon, asking what the *pesak* is. R' Yitzchak Elchonon surmised that if the town had sent him a *she'eylah* instead of sending it to their own Rav, something was amiss. He therefore wrote two letters. He posted the first one back to the town immediately *paskening* like the Rav. He then sent a letter the next morning, apologizing for his original *pesak*, stating that he had overlooked a Shach.

The second story involves the Chofetz Chayim.[7] He was talking with a visitor, and, all of a sudden, he asked his *shamash* to organize him a horse and wagon and take him to a certain town, where he spoke publicly concerning a matter that was important. It turned out that the Chofetz Chayim had been waiting a long time to go to that town and speak publicly about an issue that needed correction. But he had serious criticisms of the Rav. He, therefore, did not want to go and honor the Rav, as is customary; on the other hand, under no circumstances, would he go and dishonor the Rav. The visitor was someone who lived in that town, and he mentioned that their Rav had gone away for a few weeks. Therefore, the Chofetz Chayim seized the opportunity and immediately traveled to that town to speak.

This demonstrates to us the extent to which *gedoley Yisroel* went to protect the *kavod* of the *rabbanus*. To publicly lash out against a Rav or to stir

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6. *HaRav Yitzchok Elchonon Spektor,* Menachem Mendel Platto, 2012, pg. 128

7. *HaChofetz Chaim U'Poalo,* Moshe Meir Yoshor, Netzach Publishers, Tel Aviv, 1958, vol 2, pgs. 545-546

up the people against him is to destroy *Klal Yisroel*. If one does not feel comfortable with a shul, one may leave and go to another shul or one may discuss the issue with the Rav. But to ignore or ridicule a clear directive of a Rav is, in effect, wielding an axe against the heart of kehillah existence.

How much is one required to forego for the sake of preserving peace? Let us list three of the things that one should forgo for the sake of peace:

1. Mitzvos: The *Shulchan Aruch*[8] rules that a person should not act as chazan if there is communal opposition. The *Magen Avrohom* adds one should never fight in order to attain a Mitzva. Thus, fighting for *aliyos*, the position of chazan etc. is incorrect behavior. (There is even an opinion of the Rosh quoted by the *Beys Yosef*[9] that one may even transgress one's own *minhag* when in another town in order to avoid *machlokes*).

2. Honor: The Gemara[10] says that just as Moshe reached out to Doson and Aviram to resolve the dispute—despite the fact that they had started it—so too, it is incumbent to "lower yourself" and reach out first in a sincere attempt to silence *machlokes*.

3. Money: The Gemara in *Sanhedrin* says that one should rather work out a compromise in *beys din* than a ruling based solely on a "winner-take-all" approach. The reason is because compromise is a solution that incorporates both truth and peace in the solution. Chazal are teaching us that when a ruling will go totally against a person— even if absolutely just—it will keep generating tension and discord.

If we translate these mandates into a formula to run our own communities, it will go a long way towards ensuring an intra-communal modus vivendi. It means compromising even when thereby forgoing a "Mitzva," and it requires overlooking personal slights in an effort to encourage harmony.

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8. *Shulchan Aruch,* 53:22.

9. *Beys Yosef* 408.

10. *Sanhedrin* 110a

Another place where we find formulae for communal harmony is in a series of enactments that Chazal made מפני דרכי שלום—"in order to assure harmony."[11] While these enactments remain the Halacha up to today, there are also important principles that we can glean from them. I would like to focus on two principles that can be extrapolated from them:

1. The advantage of pre-scripted direction as opposed to discretionary decisions. We ought to invite up people for an *aliyah* to the Torah based on stature. However, this will cause friction. Therefore, Chazal instated a "*Koheyn*, Levi, Yisroel" sequence to ensure harmony.

   This is a model that is very helpful. When rules are clear, many difficult situations are diffused (e.g. acting as *chazan, aliyos, simchos*). True, sometimes following "the book" may lead to clumsy and perhaps silly situations, but the personal and bitter enmity generated by discretionary decisions is avoided.

2. Chazal took into account situations when people receive something that they are not entitled to but generally feel that it is theirs (e.g. a minor who makes a *kinyan,* a worker who has shaken fruit off a tree, etc.). In all these cases, Chazal took human nature into account and surmised that standing on the strict letter of the law would generate a lot of friction and arguments. They, therefore, bestowed ownership upon these people.

This means that when formulating public policies, we need to take into account not only what is "fair" in the strict sense of the word, but also people's sensitivities? Who is likely to become upset? What situations are likely to generate strife?"

There is a tendency to self-righteously proclaim, "It's not my fault that he has it wrong; it's his problem". Chazal, however, taught us that harmony is **our** problem.

Our communities are recovering from a difficult period. Tensions have risen; some quite bitter arguments were generated. We have been living in isolation, and some of our social skills have rusted. It is time to restore our sense of community. It might even be possible to somewhat reset and restructure our communal norms so that the central guiding principle is "peace and harmony."

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11. See *Mishnayos Gittin,* end of chap. 5.