Halakha and the Fourth Estate

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Pinchas Landau is a Jerusalem-based independent economic and financial consultant. Born in London, he studied at Hebron Yeshiva and the London School of Economics prior to making aliya with his family in 1976.

Identifying the Problem

…the player directly responsible for Hapoel losing this critical game was the team's goalkeeper, Haim Cohen. His amateurish blunder in letting the ball slip through his hands gave Maccabi their first goal, and the second was the result of Cohen's poor positioning for the free kick. Nor was this the first game this season in which Hapoel has been let down by Cohen. His tendency to make mistakes under pressure has surely eroded his teammates' confidence in him; Hapoel manager Aryeh Rubin is rumored to be looking for a replacement...

…but the star of the game was referee Shimon Levy, who capped a series of strange decisions by ignoring a clear foul in the 43rd minute, when Maccabi defender Shai Golan brought down Hapoel's Yuval Sharabi several meters inside the Maccabi penalty area. Had Levy awarded the penalty to Hapoel it this point, when they were only one goal down, the whole game would have developed quite differently. The foul was plain to see and the TELEVISION replays left no room for doubt—but Levy brushed aside Hapoel's demand for a penalty kick. Hapoel's complaints over this decision are entirely justified and should force the Football Association to reconsider whether Levy is suitable to serve as a referee in Premier Division games...

These are fairly typical, albeit fictitious, excerpts from reports on football games. American readers are invited to translate the terminology into that used for the gladiatorial contests they call "football," but the essentials will remain valid in any parallel sporting context. Player X played poorly, player Y was outstanding, this

one did this and that one failed to do that, and so forth. In short, this is standard fare for followers of sports reports in the papers, radio, and television, or for one who shares impressions with his or her friends in the pub, bar, or wherever.

But is it kosher? Is it halakhically permissible to write, read, speak, or otherwise communicate such sentiments in this way?

Let's skip over any potential halakhic issues that may or may not exist with regard to professional sports per se and focus solely on the seemingly minor aspect of the way a game is reported and analyzed, whether in real time or afterward.

From a halakhic standpoint, material such as that above is riddled with major problems. The main problems stem from the fact that in the commentary, reporting, and “Monday morning quarterbacking” that accompanies and follows every game, the people involved are being publicly vilified—the goalkeeper was “amateurish,” he positioned himself “poorly,” he “let down” his team in a critical game—and not for the first time. As for the referee, he is presented as being totally incompetent.

These are serious charges and they run the gamut of halakhic prohibitions stretching from rekhilut, which is usually translated as “tale-bearing,” to lashon haRa (malicious reports) if the material is factually true, to motsi shem ra (slander) if it is not.

Let me stress immediately that I am not interested, here or anywhere in this article, in entering the halakhic jungle of what does or might constitute an infraction of each of these prohibitions. I am not personally qualified to define what does or might come under each heading, but even if I was, the detailed legal analysis is not the issue. At this stage, the point I wish to make as strongly as possible is that the everyday activity of following the news and keeping up with current affairs—via reading the papers, listening to the radio, and watching television—involves exposure to (and likely infringement of) halakhic prohibitions relating to the complex of topics we commonly lump together under the “lashon haRa” label.

Nor is the lashon haRa complex the only set of halakhic issues involved: urging that someone be fired, as the report does with respect to both the player and the referee, is also problematic—on both moral and legal grounds. Talking the same way with your buddy in the bar seems to be in a different category to writing in a paper or commenting on the radio—because the guys in the bar are just “letting

off steam” and have no way to translate their assessments of players into practice. Or so we used to think. But nowadays, when thousands of irate fans can write comments on the team's website or Facebook page, their comments become part of a mass campaign that can and does result in actions—such as dismissing that player or pushing the referee out of top-level football. Taking someone's livelihood away, without compelling cause and due process, is not only morally reprehensible but also proscribed by halakha.

What might constitute “compelling cause” and who has the right to decide that it exists, are legal issues. Once again, I am not concerned here with the practical legalities; rather, I seek to create the awareness that there is a halakhic issue, potentially a serious one, in something as seemingly marginal and “innocent” as talking about a sports game and criticizing the performance of the participants (players, referees, coaches, etc.) involved. Certainly, the fact that in societal terms this is considered normative behavior does not make it halakhically permissible.

I have deliberately chosen to start with the seemingly flippant example of a sports report as a method of highlighting some of the halakhic problems that we all ignore every single day. By “we,” I mean everyone who consumes media of any sort. Anyone who never reads a newspaper, listens to the radio, watches any television, surfs the net, or uses social media, is not included in “we”—but if such a person exists at all, he or she is not going to be reading this publication either.

Having made that admission, let me now broaden the scope and, in so doing, deepen the problem. All the issues pertaining to the football game cross over from the sports pages/programs to the culture pages. The book/movie/theatre review is an even bigger halakhic minefield. Cohen's new novel is silly—and downright childish in parts; Levy's performance as Macbeth was shrill, unconvincing, and generally over-the-top—he really isn’t capable of taking on Shakespearean tragedy. As for Sharabi's latest album, it's nowhere near the quality of his earlier ones.

Turning to the business pages, we find Cohen Manufacturing Ltd. reported lower sales and profits last year. The company's most recent acquisition has contributed nothing to earnings so far, while its costs are higher than those of its peers—yet it paid larger bonuses to senior management than last year. The paper's business columnist summarizes the company's performance as follows: the CEO's vision is flawed; management is doing a lousy job; and the board is stuffed with pals of the CEO, who have no compunction in awarding outsize remuneration packages to the CEO and other senior managers. Not only is the

recent fall in Cohen Manufacturing's share price justified, it says, but further falls can be expected. There is no good reason to hold these shares at current prices, certainly not to buy them.

Finally reaching the front page, we find that the mayor of a small town, one Shimon Levy, is under investigation for molesting and, in some cases, raping women who sought his help to obtain welfare support. The Trade Minister, Haim Cohen, is being accused of receiving kickbacks on trade deals he was instrumental in negotiating with some foreign countries. And the main headline is that the Prime Minister, Aryeh Rubin, secretly met Arab leaders to discuss a proposed peace treaty in which Israel would cede control of territories it holds.

Back in the pub—or perhaps outside the shul—where you and your friend usually meet and shoot the breeze, you both express disgust and revulsion about Levy's purported crimes. You suggest he should be locked up for 20 years, but your friend says that people like him should be forcibly sterilized—a comment that is overheard by some other people and generates a spirited debate, because one of them is a friend of Shimon Levy and another is his wife's cousin. However, everyone agrees that Cohen, the minister who took bribes (reportedly…) should “do the honorable thing” and resign immediately, thereby cutting short his promising political career.

As for the Prime Minister, the usual split develops between those willing to give peace a chance and those who believe you can’t trust any Arab leader and should not offer them anything. One young fellow mutters that if Aryeh Rubin agrees to an Israeli withdrawal, he should be “eliminated.”…

The Solution—Part 1: Getting Real about the Problem

So it's not just Monday-morning quarterbacking about the sports game over the weekend. It's certainly not just about what constitutes rekhilut, or lashon haRa, or whatever. It is actually far more fundamental than legal definitions regarding specific halakhic prohibitions.

The real problem, I venture to suggest, is this: One of the most important areas in modern life with which halakha has yet to confront, in the most basic sense, is the one we call “mass media.”

The interaction between technological progress and sociological and political development has driven—and is continuing to drive—huge changes in the way people communicate with and about each other. Mass media began in the eighteenth century with the development of pamphlets and newssheets, moved

into newspapers in the nineteenth century and then—in the last 100 years—exploded into radio, television, internet, and now, the newest stage, social media.

Yet while all this has been happening, halakha has fallen ever further behind. The primary focus of halakhic concern with regard to the media, at least in recent decades, has been in the area of immorality in the sexual context. Thus attention has been centered on offensive content in the various media, with “offensive” referring largely to the gamut of sex-related issues, from modesty (and lack thereof) to outright pornography, and their impact and influence on individuals—especially children—and on society as a whole.

This is, of course, entirely justified. Indeed, the severity of the moral and legal problems posed by the internet in general and now by social media, is such that it has long transcended religious/conservative groups and is now widely recognized by all parts of society. In the halakhic context, it is obvious that not only overtly pornographic material, but also the use of scantily-clad models in advertisements, involves transgressions of various laws, as well as being morally offensive.

Unfortunately, the focus on sex-related problems has become obsessive and all-encompassing—and this may be the reason why other halakhic problems stemming from the production and consumption of mass-media materials are downplayed, overlooked, and even ignored. I was personally made very aware of the dichotomous and distorted view that religious (from Hareidi to Modern Orthodox) people took of the media when I worked as a journalist. It can be summed up in the reaction of "Oh, you cover economics and finance—that's OK,” which I heard umpteen times, from rabbis, rebbes, and laypeople alike.

That statement is not merely completely wrong and utterly fatuous. It also betrays stunning ignorance of the problems posed by the media. It is, in fact, a far-reaching admission by the person making the statement that Judaism as he or she understands it and halakha as he or she observes it are totally disconnected from modern media and communications—which is to say, from modern life.

For some reason, Orthodoxy has decided to draw the line between it and the modern world on the sex front, but not on other key fronts—such as communications. This is a convenient state of affairs, but it doesn’t stand up to any kind of rigorous scrutiny.

The comparison between the ongoing intensive struggle against sexual license on the one hand versus the lack of struggle over the production and consumption of

regular media content, is the starting–point for any serious discussion of “media and halakha.”

Probably the most fundamental question that needs to be raised and to which answers need at least to be sought is philosophical: Does Judaism accept modern notions of free speech? If this strikes you as far-fetched, perhaps you should think again and try not to react from the gut.

It's pretty clear that Judaism is opposed to free sex, free love, or whatever other slogan is used to legitimize sexual license. It is also clear that there are major restrictions on what you can say about people in the context of normal inter-personal discourse—the lashon haRa complex of laws referred to above. But what about free speech as a basic element of democracy, in politics and society? What can you say, in the public arena, about people who are public persona, in whatever sphere?

The question, in other words, is whether it is possible to construct a theoretical framework relating the halakhic concepts defining permitted and forbidden topics of discussion and methods of expression to the theoretical and philosophical underpinnings of democratic societies? If such a construct can be developed, then it should be possible to derive practical guidelines as to how to report, comment, and discuss matters ranging from sports games to national security in the various media, with these guidelines covering everyone from participants in chat rooms on the internet to editorial writers in the leading newspapers. On the other hand, maybe the gulf between the demands of halakha and the reality of modern mass media is too wide to be bridged?
If—and only if—such a theoretical construct can be put in place, then it is possible to advance to the more practical, but no less fascinating, question of whether there can be “kosher media.” That phrase currently relates to media that are “clean” in the context of adhering to laws and mores regarding modesty and avoiding content and material that is sexually provocative or otherwise immoral. It does NOT relate to the substantive content of the material appearing in the media or to its implications in a wider societal context, as will be discussed below.

First, however, some comments with regard to the theoretical/philosophical issues. I have not conducted an extensive, let alone exhaustive, search of all likely or possible sources, even those accessible on the internet. Nevertheless, on the basis of the search I have made myself, or indirectly through others, I strongly suspect that there is very little discussion of these issues. However, there certainly has been some analysis, in articles published in both rabbinic and general publications, mostly in Hebrew, mostly written by Modern Orthodox

rabbis. Hareidi material on this topic, if it exists, is more difficult to locate because it is not published on the internet.

Based on the material that I have seen and read, the following tentative conclusions emerge:

• There is very little attempt to address the underlying philosophical questions. The thrust of the discussion tends to be practically halakhic—may one do this or that, is specific behavior permissible (in the public arena, e.g. criticizing incumbent office-holders or candidates for office). The deeper issues are largely ignored or glossed over.
• There is a corpus of halakhic material relating to the issues under discussion, notably the works of the Hafetz Haim in the area of lashon haRa and allied prohibitions—although both the Hafetz Haim himself and contemporary scholars use other sources, including the main codes (Shulhan Arukh, etc.) and other important works (such as Rabbi Yonah of Gerondi, in medieval Spain). Although all the halakhic literature, going back to the Talmud, relates to publication or dissemination of information, facts and rumors, innuendo, and so forth in the public sphere, none of it takes into account a culture in which a) the public's "right to know"—and to comment—is a central value and feature of social and political life; b) holders of virtually all public positions are required—and hence expect—to be criticized and held accountable for their actions; and c) proactive dissemination of (partial and one-sided) information is the norm (press releases and press conferences), and/or is obligatory (corporate and other disclosure mechanisms) and hence taken for granted.

• Within this practically-oriented approach, the analysis—even of authors sympathetic to democratic society as we know it—points strongly in the direction of a negative conclusion. That is to say, the halakhic framework makes it very difficult in theory, and virtually impossible in practice, to permissibly produce and even to consume most of the news and current affairs (in the widest sense) material presented in the various mass media. I realize that that is a rather sweeping statement, but that's my assessment of the material I have seen.

• That conclusion is not usually overtly stated, for whatever reason. But the result is that the entire discussion then moves from leKhathila (a priori) to bediavad (a posteriori), which is probably one of the reasons that the analysis is then one of practical halakha: the starting point is, "in the existing circumstances, what can one do or not do."

• Since the issue is presented as a practical halakhic one, it is perhaps unsurprising that the direction or approach adopted as a general solution is to establish an entity (e.g. a newspaper, or a political party or faction) that is separate and distinct from those already existing in the public arena and to place this entity under direct, ongoing rabbinic supervision. This mechanism, it is assumed and proposed, will enable specific problems to be dealt with in an authoritative and timely manner.

• However, the analyses themselves disclose several flaws in the way the authors approach the problem. The first flaw, as already noted, is the avoidance of an overall theoretical structure. The construction of such a structure is relegated to a vague and utopian future with quasi-messianic undertones—meaning that it's not something achievable in the here-and-now, so let's not relate to it in detail.

• Other flaws stem from a tendency to confuse the problem with the solution or from the unintended consequences of proposed solutions. Both of these subjects need to be considered in greater depth.

The Solution—Part 2: Don't Confuse the Problem with the Solution, and Don’t Make the Solution into a New Problem

In any attempt to define and analyze the problems posed to halakha by modern mass media, it is essential to realize—and accept—that many of the attempts to “solve” aspects of these problems have proven to be unhelpful. That is because either their premise is flawed from the outset—they are unaware of the real problems or they ignore them—or, worse, they become part of the problem rather than comprising part of the solution.

The most obvious and most widespread “solution” to the problem posed by mass media is to categorize the problem as being part of the wider phenomenon of secularization. Since this is, by definition, a negative phenomenon from the perspective of religious Jews, the solution has been to apply the standard response toward aspects of secularization, namely to proscribe it—to make it assur, illegal. However, this negativity is a very blunt weapon and is very hard to live with. The second part of the solution, therefore, is to replace the offensive mass media with acceptable or “kosher'” ones.

In practice, since at least the late nineteenth century, this has been the main response of Orthodox Judaism to the rise of mass media. The main battleground was—and to a great extent still is—print media, primarily newspapers and magazines, but it has extended to radio and, after largely skipping television, is

now focused on electronic media, i.e., the internet and its derivatives.

Reviewing this prolonged struggle and how it has played out and is still being waged, it seems to me that it has been a strategic failure, although it may be argued that in tactical terms—meaning the specific cultural battles fought between Orthodox and non-Orthodox in various countries and cultures over the last 150 years—the existence of separate Orthodox media outlets was helpful and perhaps even essential. Nevertheless, over the long run, the attempt to create and maintain so-called kosher media has generated negative consequences that, I would argue, have ultimately outweighed the positive achievements.

The negative consequences fall into three categories:

1. "kosher pigs"
2. "echo chambers"
3. unintended consequences

"Kosher Pigs"

The most common problem resulting from the establishment of "kosher media" is that these are only kosher in some respects, while in others they are as flawed as the regular media. This is reminiscent of the midrashic comment on the difference between pigs and other ritually unacceptable animals. Of the two criteria for "kosherness" laid down in the Torah, namely chewing the cud and cloven hoofs, the pig falls down only on the former. Because its hoofs are cloven, it proudly presents its paws and hoofs to onlookers—whereas its digestive system, of course, remains hidden.

Orthodox media are obviously "kosher" with regard to lewd and sexually provocative content, and this can be ascertained immediately. However, the way they present news, information, and, especially, commentary and criticism, requires much more careful examination. The examination should encompass two elements: what they do report, and in what terms, prominence, and tone? Similarly, what do they not report, or relegate to relative obscurity, or adopt a negative tone in their reporting? Whom and what do they criticize, with what degree of vehemence—and with what motives?

This topic is obviously extremely sensitive, although it is quite amenable to analysis, both qualitatively and quantitatively. Almost all Orthodox media were ideological in origin and were established to serve an agenda, whether overtly religious and/or ideological, or political/religious. Therefore each media form had, from inception, its clearly defined "good guys" and "bad guys.”

Furthermore, within the framework of the lashon haRa halakhic complex, there are categories of people—such as "evil-doers," "heretics," and so forth—whom it is permissible or even desirable to present in a negative light, to criticize, and even to vilify in public. Once a media outlet is established by a religious group with a clearly defined agenda that identifies "them" as "bad guys"—and obviously "us" as "good guys"—then the ground rules are clear-cut. "They" must be either ignored or, if mentioned, then in a negative tone or undertone.

All Hareidi and, over time, almost all dati-leumi media (I relate to those in Israel; I assume the American scene is similar, if not identical), have been sucked into this self-righteous mode of self-censorship, which is usually accompanied by "rabbinic oversight" to make sure the relevant rules are being obeyed. A simple, relatively innocent but nonetheless telling example of this mindset is the following story:

In the mid-1990s, the then Satmarer Rebbe visited Israel and, naturally, conducted large gatherings such as tischen during his visit. The Shabbat he spent in Jerusalem was a major event in Hareidi circles, not just for his direct followers but for many "unaffiliated" Hareidi youngsters. Despite these objective facts—or, more likely, because of them—Hamodia, the party newspaper of Agudat Yisrael and hence a bitter ideological foe of Satmar, totally ignored the visit and the events held during it, although its readership was fully aware of them and many participated in or were directly impacted by them.

This level of reality-denial is increasingly impossible in the modern world, as information permeates all but the most hermetically sealed societies. Even in the mid-1990s it was a pathetic attempt, but it spoke volumes about the theory and practice of Hareidi media.

Yet this is the way Hareidi groups relate to each other—either by ignoring rival groups' existence and viewpoints or, worse, by virulent criticism that is either overt or, in more sophisticated cases, implied through the use of biblical, midrashic, talmudic, or other metaphors, code-names, and 'role-models.' Obviously, with regard to non-Hareidi, secular, or non-Jewish persons, groups, and organizations, there is even greater leeway, and this license is commonly used, whether to deny or distort, ignore or misinform, criticize, or vilify.

"Kosher pigs," in short, are those many (probably most) Orthodox or Hareidi media outlets that proclaim that they are clean in terms of smutty, lewd, and sexually provocative content, and that their overall operations are under rabbinic guidance—all of which is true. However, by closely defining their ideology and mission, they effectively award themselves licenses to say what they please

about—or ignore—all those persons, entities, and organizations that oppose their ideology, or that have been categorized (by the rabbinic authorities exercising guidance) as opponents.

"Echo Chambers"

The "kosher pigs" phenomenon inevitably leads to a phenomenon known in the media world as "echo chambers"—in which a paper, radio, or television station, or blog adopts a very clear line and thereby comes to attract people who largely agree with that line and to repel those who largely disagree. As the degree of interactivity in media has grown, the responders (in radio chat shows, or internet chat rooms) become ideologically and politically homogenous in a self-reinforcing process.

The result is that readers of a specific paper, listeners to a specific radio station, or viewers of a specific television channel tend not merely to hold shared views, but also to become increasingly convinced of the validity of their views—in favor of this and opposed to that—and increasingly negative toward opposing views.

This is a widespread phenomenon, symbolized in the United States by media such as the New York Times and Fox News, but it is a particular blessing for religious and especially fundamentalist groups and their media. It permits the pretense of in-depth analysis and serious discussion, although the content is seriously—and often entirely—skewed in the direction suited to the ideology of the specific medium. The essence of classic journalism, namely the presentation of different views in a fairly objective and dispassionate manner, is avoided or abused.

Religious media have always been echo chambers. As noted earlier, that is their raison d'etre. They have no truck with alternative views—even of other religious groups. In the Hareidi sector this is taken for granted: if Hamodia would not report the very fact of the Satmarer Rebbe's visit, what chance is there that he would be granted an in-depth interview to present his ideas? Or that Yated Ne'eman would run a feature on a major yeshivat hesder? The very suggestion is ludicrous—let alone that one of the leaders of a secular political party be allowed to write an op-ed explaining why he thinks Hareidi young men should serve in the army. Although it is taken for granted that secular media should give Hareidi spokesmen space or air-time, the opposite is a non-starter.

Yet Hareidi newspapers claim to have upgraded themselves and become serious media organs—because, after all, they carry AP stories about the French presidential elections and Bloomberg analyses of Federal Reserve monetary

policy. Yes, there is a problem with Germany, because the current Chancellor is of the female gender—ditto for stories on U.S. foreign policy. But at least there is coverage of world news and the larger Hareidi papers providing their readers critical information about what's happening outside the local or global Hareidi ghetto.

The underlying rationale behind this is that all the members of “our” group—however defined—should be exposed to or excluded from the same set of views and even news and, presumably, be influenced accordingly. The inevitable result is the creation and proliferation of intellectual and social echo chambers, in which group members absorb and exchange stilted perspectives that are reinforced by repetition among themselves.

This pattern is now prevalent in dati-leumi society in Israel, thanks to the proliferation of media catering to this group—which, like Hareidi society, is obsessively engaged in splitting into ever more self-defined sub-groups, but when viewed from without is actually highly homogenous. The media in question include daily and weekly publications, radio channels and a growing range of blogs and other sites. In these media spaces, datiim-leumiim talk to each other, about each other—and to the virtual exclusion of others.

Thus all the problems identified above with respect to Hareidi media have resurfaced in the dati-leumi sector—with one major difference: Whereas the trend in the Hareidi sector is of movement from a totalitarian structure, imposed rigidly from above, that is gradually opening up as the envelope is being pushed by many people in many directions, the datiim-leumiim are moving in the opposite direction.

They are coming from an open structure, in which they consumed primarily secular media, with their own as a side dish or dessert, to a structure in which they are choosing to “diet,” cutting down or eliminating secular media consumption, and increasingly preferring “their” media.

The driving force behind the change in the media consumption patterns of dati-leumi households is probably a growing backlash against the crudity (in the sexual and other contexts) of the main secular media. However, another factor is the desire to create an ideological echo chamber, especially in the area of primary interest and concern to the dati-leumi sector, namely Eretz Yisrael—meaning settlement, primarily in “the territories”/Yesha.

Unintended Consequences

The overall motivation behind the efforts to create religious media, now and in the past, can be summed up under the heading "veHaya mahanekha kadosh" (Deuteronomy 23:15)—"your camp should be holy.” This verse is interpreted so that “camp” means every social unit from household to sector of society, and “holy” means separate, as per Rashi's comment to Kedoshim tihyu (Leviticus 19:2). In other words, the goal was positive, at least in the value framework of the religious leadership, and the end justified the means, flawed as they may be.

However, as in most human endeavors, numerous unintended consequences resulted from the way this goal was pursued and how the means themselves evolved over time. Many of these unintended consequences have been negative, some profoundly so. All assessments are necessarily subjective, but the consequences that seem to me the most unfortunate are these:

1. Commercialization trumps ideology

The last 25 to 30 years have witnessed enormous changes in Israeli society, which can be summed up under the headlines of “the demise of ideology” and, in tandem, “the rise of the individual/privatization.” This process has seen a decline in the strength of all political and ideological groupings, one facet of which has been the loss of funding, whether from state sources or from the group's own membership. In the context of media activities—publishing newspapers, running a radio station, etc.—this has meant that the owners and managers of the medium have been obliged to seek funding from commercial sources, primarily advertising, but also sponsorship or co-ownership.

The inevitable result has been a process of commercialization, with all its attendant ills. Analyzing the range of halakhic issues connected directly to advertising could fill an issue of Conversations, but the general point to be made here is that the introduction of commercial considerations affects every aspect of a media enterprise, including and perhaps especially its ideological soul. Indeed, whether a so-called religious newspaper or radio station can exist in a commercial framework, and if so to what extent, is an open question.

2. The systematic desecration of synagogues and Shabbat

The most specific—and most severe—damage wrought by commercialization has been on the sanctity of the synagogue and prayer services held therein, and on the sanctity of Shabbat.

A broad spectrum of publications has developed that seek to provide material for religious Jews to read on Shabbat. Let us assume that their declared goal is to

detach their target audience from the reading of secular newspapers on Shabbat—a very widespread practice in dati-leumi households in Israel and Modern Orthodox households in the Diaspora. In other words, their motivation is positive—or was, originally.

However, in order to survive in an increasingly crowded and competitive marketplace, these publications have been obliged to do some or all of the following: a) expand in size; b) broaden their range of content; and c) upgrade their visual presentation (glossy format, colored photographs, etc). This costs money, which comes mainly from advertising. The result is that publications that originally presented 2 to 4 pages of divrei torah, and perhaps some “news” such as publications of new books dealing with Jewish learning, history, and similar topics, began branching out into features relating to rabbis or other personalities, historic or living, events or developments presumed to be of interest to the publication's leadership, and so on. All this is accompanied by a large and growing proportion of the space available being given over to advertising—of everything from apartments to appliances, as well as specifically religious items, from books to tefillin.

In short, the divrei torah publications metamorphosed over the years from sheets and pamphlets to newsletters and even magazines that could effectively compete for the interest of the religious household against the secular and even religious newspapers and weeklies. However, these “divrei torah publications” are distributed via synagogues, with the result that today, in the vast majority of dati-leumi synagogues in Israel, there is a large selection of these newsletters and magazines available on Friday night and usually throughout Shabbat.

Many, if not most, members of the congregation now spend some, most or all of the service reading this material—including during keriat shema, the amida, hazarat hashat"z, and the Torah reading. Furthermore, despite the unquestionable violation of umpteen halakhot regarding prayer in general, prayer in synagogue and behavior in synagogue even not during prayer, very few rabbis or wardens have taken a stand against this plague, which is intensifying steadily, in scope and scale.

As an aside, I would add that Hareidi synagogues suffer from the same syndrome, but in different forms. Interestingly, in many Hareidi synagogues the problem of extraneous literature distributed during prayer services is worse on weekdays, but is by no means absent on Shabbat. Once again, I have rarely if ever seen or heard of attempts by rabbis or wardens to prevent this practice.

In sum, what has happened in this sphere is reminiscent of the U.S. army lieutenant in Vietnam, who was instructed to "pacify" a village suspected of having been infiltrated by the Vietcong. He reported back to his commanders that "in order to pacify the village, we destroyed it.” Similarly, in order to preserve the sanctity of the Sabbath from the depredations of the secular papers, the so-called religious papers have destroyed the sanctity of the Sabbath, the synagogue, and religious services as a whole.

3. Poisoning minds and hearts

In tandem with the process of the infiltration and pollution of the synagogue with material that is increasingly a-religious, even when it isn’t overtly commercial (a recent headline I saw in one publication was "events in Beer-Sheva this week"), is the politicization and radicalization of the divrei torah themselves.

In this sphere, the process has seen the Torah material move from being a discussion of items or topics in the weekly parasha or related to festivals, fasts, etc., drawn from classic sources and presented by contemporary rabbis with their own thoughts, to the parasha or festival becoming a springboard from which the rabbi or other writer launches into his (or, only in left-wing publications, her) ideas. In many cases, the correct term for what is being presented, by specific writers and by the publication as a whole, is an agenda that, whatever its inherent merits, has subverted the purported purpose of the publication, namely to disseminate divrei torah.

Of course, the writers and publishers will claim that what they are writing and publishing ARE divrei torah. That is precisely the problem: They are so convinced of the validity and value of their ideas, ideology, or approach to issues on the local, national, or global agenda that they conflate their opinions with divrei torah. When the writers or publishers are themselves rabbis, as is more often than not the case, this identity between subjective personal opinions and so-called divrei torah is quickly and easily achieved.

Unfortunately, in many cases this attitude is not merely negative but actually dangerous. As the dati-leumi camp veers steadily toward extremist and simplistic views on a broad range of religious, political, and social issues, the echo-chamber effect of the opinionated and highly politicized pseudo-religion pumped out by many of the pamphleteers generates growing damage. The tendencies toward ultra-nationalism, xenophobia, and general intolerance, which are becoming hallmarks of dati-leumi youth, are thereby intensified and exacerbated. By extension, the effort of religious liberals to break out of the extremist mold

pushes them, in turn, to “extremist liberal” approaches in their divrei torah, which are as skewed and opinionated as those of their counterparts.

4. The dilution of rabbinic authority

But the ultimate unintended consequence, if perhaps the most predictable one, is that the attempt of the rabbinic establishment (of any specific group and of the religious sector as a whole) to control the religious media has backfired and resulted in an erosion of its own authority. More correctly, it has made a major contribution to the general process of the erosion of rabbinic authority that is underway.

The erosion process takes two forms. One is what one might term the "Canute syndrome,” exemplified by King Canute, an English king in the era of the Viking invasions, who reportedly parked his throne at the seashore and commanded the tide to turn back. The rulings and even curses pumped out by a broad swathe of Hareidi rabbis and rebbes over the last generation, against the use of computers, cellular phones, MP3s and then MP4s, internet, and so on, have been of comparable effectiveness.

If anything, the fact that the rulings had some temporary influence on at least some people has made the problem worse—because the person who obeyed the rulings for some time and then found that “everyone” was using the machine in question felt that he was being made a fool of. And if he didn’t feel that way, his kids did—and drew the relevant conclusions, so that the next prohibition landed on largely deaf ears, and the one after that merely made its author look ridiculous.

But the more dangerous form of erosion of rabbinic authority stems from situations of perceived conflict of interest. The source of rabbinic authority is the perception that the rabbis in question are defending what they sincerely believe to be the demands and dictates of the Torah, as the practical expression of God's will. Thus even when the rabbinic decree seems pointless, as in the Canute syndrome, it is not considered baseless. Like much else in Jewish life, it is a clash between what looks to be a hopeless cause, even if a just one, and a seemingly inexorable force, although a negative one. It is a declaration of faith and, in Hareidi theology, it expresses the idea that we can only—but must—do whatever is in our power, and the rest is in the hands of the Almighty.

However, if the sincerity of the rabbinic motivation comes under suspicion, then the entire theological and ideological underpinning collapses. Unfortunately, the

trends noted above, such as commercialization on the one hand and the swing toward extremism on the other, have cast shadows over the involvement of rabbis in the religious media (and much else besides).

Rabbis, no less than laypeople, now tend to be pigeon-holed in terms of their stance, attitudes, views, and orientation. However, to make matters worse, most rabbis do not merely have ideological agendas, as in the past. Prominent rabbis are involved in politics, directly or indirectly, at local and national levels. They seek to disseminate their ideas, dispute rival ideas, and critically gain and solidify support for themselves, their ideas, the institutions they head, and the movements or parties with which they are associated. In all of this, they are no different from any other leadership group in that they need the media—and, if they provide “good, juicy copy,” by saying or doing things that attract attention and, yes, sell newspapers, then the media needs them, too. Of course, “their” media organs will champion them in any event, while rival organs will denounce them—but from a business and even from a leadership perspective, everyone benefits.

This process means that rabbis, as public figures, have become sucked into the celeb society. Indeed, in their own circles, rabbis and rebbes are THE celebs. Hareidi kids collect rabbi cards and pictures like other kids collect athletes or rock stars. In this environment, you would have to be superhuman not to have an ego issue—and although there are a few rabbis of exceptional humility, most are merely human, not superhuman.

In short, we have a situation in which rabbis who are prominent personalities, who have institutional interests to promote, and who have a political or ideological agenda, have been granted influence or even control over media outlets that have enormous power within these rabbis' communities. Even if the rabbis themselves are capable of avoiding the conflicts of interest created by this situation—and there are some—their coterie of advisers and executives often are not. They will abuse and exploit their power, because the dictum that “all power corrupts” does not have a caveat “except when wielded by religious people”; a more plausible addendum might be “especially when wielded by self-righteous people.”

The result is a growing cynicism regarding religious leadership that is inherently no different from the widespread cynicism toward leadership generally. The cynicism stems from a lack of conviction that the leadership is motivated solely, or even mainly, by the desire to advance the cause which it proclaims. If Moshe Rabbeinu faced that problem (repeatedly), it's hardly surprising that

contemporary leaders do, too. But because the media tend to exaggerate and amplify these doubts, and religious media do so with relish vis-à-vis people they identify as their opponents, in the end everyone is tarred with the same brush. In the incisive talmudic phrase: "Kol haposel, beMoomo posel"—anyone who seeks to disqualify others tends to label them with his own faults.

The Solution—Part 3: Elements of Correction

"Religious media" are not the solution to the halakhic and moral problems presented by modern mass media. They have resolved some of the existing problems but have themselves become part of the overall problem, while creating entirely new ones. What, then, can be done?

The first essential step is to recognize, on the one hand, the scale of the problem and, on the other, the unsatisfactory nature of the solutions currently being employed. The problem is not a technical one, of how to edit the front page of tomorrow's paper without violating halakha, but rather how to address the mega-issue of applying halakha in the public arena in a modern society—and, especially, in a Jewish state in which there are large religious and Hareidi minorities, along with an irreligious majority, a large number of non-Jewish citizens (Muslim, Christian and a-religious) and many foreigners, from tourists to refugees.
How is public discourse to be conducted in these circumstances? What may be said about individuals, groups, and institutions and what is forbidden or unacceptable (not necessarily the same thing)? What is the relationship between democratic concepts such as free speech, the public's right to know, accountability to voters, etc., and halakhic concepts such as rekhilut and lashon haRa?

The second step is to begin to grapple with these big issues. Ideally this would be done in a large virtual tent, in which would be gathered, from the outset, all the various viewpoints. In practice, it is more likely that individual scholars or specific institutions will begin the process on their own initiative, and that their efforts will spur responses, debate and further discussion, moving the process forward from within, rather than it being prodded forward by exogenous forces. As it moves forward, it should also broaden to encompass a wider range of approaches.
There would be no agreement on fundamental issues, at least not for a long time—but the initial object is not to achieve agreement or even consensus, rather to define what the disagreements are. That would open the way to the third critical step—and the first practical one. Once the larger debate is underway and the issues are being publicly aired, then the worst excesses of the current

situation would be fully exposed.

There would then be an opportunity for developing consensual positions over ground rules—not for matters of principle, but of practice. These would be akin to ceasefires and confidence-building measures, rather than peace treaties. Religious and Hareidi groups could surely come together around a set of guidelines for how to relate to each other and their respective leaderships and, by extension, how to relate to non-religious and non-Jewish persons and groups. That would involve accepting that the halakhic permit to vilify and besmirch 'heretics,' 'evil-doers' and others may be best left unused, in favor of the more basic axiom of not doing unto others what you would not like them to do to you. Lambasting the secular leadership while denouncing anti-religious or anti-Hareidi rhetoric is not a persuasive approach, apart from being hypocritical and self-serving.

Having thus seized the moral high ground in the debate over the role of media in society, religious thinkers could then plausibly propose ways in which various media could be made less anti-social, less raucous, and more responsible. An obvious place to start would be with talkbacks and other forms of response by the general public. Here there could be actual halakhic rulings for religious people—and perhaps non-halakhic but moral guidelines for all people—defining how they could participate in a constructive discussion with their peers, instead of abusing the anonymity granted by the internet to spew venom against other individuals and to indulge in the coarsest forms of expression.

These religious thinkers could and should include rabbis of various stripes, who would desist from their pointless and self-defeating attempts to impose their will and views on their narrow groups of followers, instead seeking to guide and influence the general public.

The one thing that is certain is that the communications revolution will continue. Personally, I believe that the mass media cannot maintain their present nihilist and socially destructive trajectory for much longer and that a major change for the better will occur. Wouldn't it be nice if, after generations of having being dragged along by the forces of change, Jewish religious leaders became part of those forces, helping shape a change for the better?

I would not presume to present a bibliography on this topic, nor even to identify seminal articles. However, the following articles, one in English and one in Hebrew, serve admirably as an introduction to the halakhic issues involved in journalism. Even in that context, they are in no way encyclopedic, nor do they attempt to address wider issues. Fascinatingly, although they date from 2001 and

1995 respectively, they are already obsolete, in the sense that they do not relate to the internet and its impact. But they certainly succeed in providing an entrée into the halakhic source material and the legal and moral complexities of the reporting of news from an halakhic perspective.

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