On Nick Kristof; and why moral self-satisfaction is not that satisfying

The Jewish people's biggest reckoning will come with our own conscience

Yehudad Kurtzer May 19

When leaders face a moral crisis in their institutions — like an accusation of malfeasance or abuse, or a scandal involving inappropriate behavior — they will inevitably struggle to navigate their way through a tension that is inherent in their role. They will (hopefully) feel pulled by the ethical impulse to respond to the misdeeds by "doing the right thing," by acting decisively on the allegations, protecting the victim or accuser, and finding remedies to the failures. But they will also be pulled, consciously or unconsciously, by a second commanding force inherent to their leadership role — namely, to do whatever they need to do to protect their institutions.

The concern for the costs of a scandal to an institution are not trivial. In today's moral climate, it is often assumed that "where there is smoke, there is fire." Institutions and leaders can drown in the maelstrom of unlearned public opinion rooted in judgment simply based on an accusation or an allegation. The incentive structures are often much stronger for protecting the institution than for the risky work of doing the right thing.

This, then, explains why so many leaders fail this test. Rather than responding to a conflagration, they instinctively seek to contain it and minimize the damage. Rather than offering a listening ear and cultivating empathy for accusers and victims, they resolve their cognitive dissonance with suppression of the threat. Good intentions simply have a hard time competing with protective and defensive impulses; there is just too much to lose otherwise.

I waited a week to comment on Nick Kristof's widely discussed opinion article in the New York Times, alleging widespread and systemic sexual abuse of Palestinians held in Israeli military prisons. I don't always wait to weigh in on issues of the day; sometimes I can formulate my viewpoints quickly, and often I try to compete with the breakneck pace of Hot Takes so that mine can be in the mix. In this case, I tried to spend time really figuring out what I thought; I think I felt that the severity of the accusations deserved, at the bare minimum, a deep breath.

The responses to the article fell into two broad camps: there were those who welcomed the publication of these allegations and treated them as fundamentally believable, deploying a hermeneutic of trust towards Kristof and his sources, a position unquestionably rooted in bias — towards victims *in general*, and/or against the State of Israel as a bad actor to which any attribution of wrongdoing is to be taken at face value. From most of the organized Jewish community, and from the State of Israel, the story was greeted with horror and derision, understood to be a willful misrepresentation of the issue, fueled either by Kristof's naïvete (or malice?) in taking Hamas and anti-Israel NGO sources at face value, or in the malice of international actors in seeding these stories as part of the global campaign aimed at the delegitimization and demonization of Israel.

Now, the State of Israel and the Jewish community have earned the right to be skeptical. There were aspects of Kristof's reporting, including the infamous allegation of canine rape,

that seem to have originated in conspiracy theories about Israel; there was the question of his sources; there was the timing of the piece to be released on the day that the meticulously researched Israeli report about rampant sexual assaults by Hamas on October 7; there was the unfortunate fact that the piece ran in the Opinion section rather than on the news side. And of course, the larger context is that there is now no narrative too sinister (or too false!) about Israel that will not be advanced to try to bring about its unmaking. This has been true for a long time, it is the backdrop for a rhetorical war that is being waged by Israel's enemies alongside the actual war-making (and perhaps more effectively), and it entitles Israel's defenders to respond with a hermeneutic of suspicion and the right to howl at the true howlers. In this respect, Kristof seems to have failed at the Talmudic dictum of *tafasta meruba, lo tafasta:* **When you overreach in your claim, you can lose the merit of the whole claim.**

But from an ethical standpoint, this Israeli and Jewish response also misses the mark, and reflects what I describe above as an **institutional bias.** Because of these earned fears of how dangerous lies can affect Israel's standing the West (and can endanger Jews around the world), the default posture to deny and dismiss the full boat of these accusations and allegations may be natural, but still fails the basic test that faces every leader which is to ask: If any part of this was true, what responsibility do we bear? If we are able to set aside our fears, even temporarily; if we were able to recognize that countless Palestinians have been caught in the wheels of an Israeli military justice system that we know can be ruthless; if we notice that the culture of rage and vengeance against Palestinians has been rising in Israeli society over the last several years, fueled by the horrors of October 7, and now enshrined into laws licensing the death penalty against Palestinians, laws that are celebrated in grotesque jewelry and birthday cakes by the government minister who oversees the Israeli police; if we simply paused to ask, "What is the right thing to do in the face of an accusation of injustice?" Then, we might find ourselves self-aware about our defensiveness. We might wonder whether our fears are drowning out our uncertainties. We might consider whether our real fears actually lie in confronting those pieces of the truth that we simply do not want to look at.

Itamar Ben-Gvir celebrating his birthday with a cake that has a noose on it. Credit: The Times.

This institutional defensiveness is very normal for a nation-state that operates from a place of realpolitik as its defining ethos, but it is deeply unbecoming for a Jewish people that aspires to more than its fears. The Talmud teaches that the aspirational characteristic of the Jewish people is that we are meant to be merciful and compassionate. This demarcates us from others. This means two things: that we are meant to stand apart from those who act without compassion, even when we are victimized by it; and that we are meant to hold ourselves accountable primarily by whether we act compassionately as measured by our own internal commitments. Compassion, for the Jewish people, is not meant to be a comparative exercise. We do not evaluate our compassion by giving ourselves check marks in comparison to others; and we do not act compassionately to others only out of some commitment to reciprocity. That is not what it means to aspire to being a compassionate people.

The pathway forward does not simply involve us lovers of Israel assenting to the charges against us, some of which are likely true, and some of which may be exaggerated or slanders, and some of which — like the portrayal of these massive ethical failures as structural state policy — are politically-motivated overreaches. A great leader does not respond to accusations of injustice in their midst by freely assenting and uncritically

accepting the narrative of the accuser. This is especially not required when you know that some of the accusers are intentionally lying in order to defame you. A good leader, rather, separates the institution from self; listens for the voice of ethical responsibility; trusts that the institution can not only survive the truth, but be enriched by it; and then, **investigates.**

Jewish tradition gives us language. In Lamentations 3:40, Jeremiah gifts us the process through which the reflective soul engages in soul-searching:

נַחְפְּשָׂה דְרָכֵינוּ וְנַחְקֹרָה וְנָשׁוּבָה עַד־יְהוָה׃

Let us search and examine our ways, And turn back to GOD.

Our tradition does not demand that when we are accused of wrongdoing, we must immediately confess our guilt. But nor does it suggest that we embrace the impulse to exonerate ourselves.

In moments of moral crisis, any first response must be a commitment to discover the truth. This is not satisfied by the self-satisfying avoidance strategy of saying *"this cannot be true."* It cannot be fulfilled merely by trying to discredit the accuser, which should happen, if it happens, by means of investigation rather than as a defensive mechanism. It definitely cannot involve the smug self-assurance of suggesting that Jews are more morally pristine than others who would be more likely to commit these acts of barbarism. None of these responses, as common as they are, pass muster when it comes to any leader facing a moral crisis in their institutions. It should not now either, when it comes to the State of Israel, the most vital and powerful Jewish institution that Jews have possibly ever created, and the site where Jewish dreams of justice and compassion can be most profoundly demonstrated to the world.

It is doubtful that any investigation that the State of Israel undertakes will satisfy its critics, much less its haters. Some will argue that engaging them and their criticisms already grants them a victory. It is not easy to admit any wrongdoing to a jury of wrongdoing that has already granted its verdict. But such investigations will go a long way towards satisfying *us*. The Jewish people, and the Jewish State, are nowhere near as bad as those that wish us harm insist we are. And we are probably not as good as we want to think we are. We are permitted to be character witnesses for our own people in these moments of crisis. And that is where the moral work begins — that we may inquire, investigate, atone as needed, make amends to victims, and stand clean in the eyes of our history, our tradition, God…and most importantly, ourselves.