

# **The Hasidic Yeshivas Exposé—On the Fragile Balance Between Private and Public Interest**

**Ki Tavo**

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As we're here tonight blessing our children at the start of a new school year, education is very much on my mind.

It's on my mind because of the stunning front-page expose in last Sunday's *New York Times* about Hasidic boys' yeshivas in New York State: in Brooklyn, Rockland County, and Orange County.

The article is based on a two-year, in-depth investigation of these yeshivas' educational, financial, and political practices.

Its findings are mind-blowing and heart-wrenching. If you haven't read it yet, you should find it and read it tonight when you get home.

The thrust of the article is that the Hasidic yeshivot—in communities like Satmar in Williamsburg, which I talked about a couple weeks ago, and numerous others—are not teaching their students the basic skills they need to survive in the secular world.

And we're not talking about anything sophisticated or advanced; we're talking about foundational skills like English and math.

In case you weren't aware, these ultra-Orthodox Hasidic communities speak Yiddish, not English. And their curriculum is almost exclusively focused on religious studies, with very little if any attention given to secular subjects.

The *Times* reports that when the largest Hasidic yeshiva network gave the New York State "standardized tests in reading and math to more than 1,000 students" in their schools, "Every one of them failed."

Every single one.

Which is not all that surprising, given that the tests are in English—and the students don't speak English.

But in any case, the *Times* reports that the boys' lack of basic competency in the vernacular of their country and the rudimentary knowledge a person needs to navigate the world has created multiple generations of Hasidic adults who don't have the ability to earn enough of a living to support their families.

According to the *Times*, the poverty rates in these communities are among the highest—if not *the* highest—in the country, with many—though certainly not all—families dependent on government aid to survive.

And as if that weren't enough of a scandal, the yeshivas are taking in millions of taxpayer dollars every year even as they flout the state's basic educational requirements.

It's an educational, economic, and moral crisis.

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Even though we are not part of the Hasidic community, it feels somehow personal—to me, anyway—as a Jew.

It's shameful and embarrassing, and it reflects terribly on all of us.

And lest we are inclined, as some are, to discredit the report as antisemitic. I want to note what Rabbi Ysoscher Katz, a modern Orthodox rabbi who was raised in the Satmar Hasidic community, said in a widely read Facebook post:

“This is a damning expose,” he wrote, “and everything in it is absolutely true. I know so from my own firsthand experience.”

Much of what the *Times* reports about the yeshivas is obviously immoral.

- It's immoral that they are devising accounting fictions and misrepresenting the nature of their program to increase their intake of public education dollars.
- It's immoral that they are taking taxpayer funds and then blatantly disregarding their responsibility to follow the state guidelines on which those funds are conditioned.
- It's immoral that they are utilizing corporal punishment so harshly that there are multiple reports of children being injured by their teachers.

All these things, to me, are clear.

What's less clear—and therefore so interesting—to me is the question of to what extent the Hasidic community—or any community, for that matter—has the right in our free society to decide for itself *how* its children should be educated.

Hard as it may be to do, set aside the obvious immoralities for the moment.

If the community were funding its yeshivas entirely on its own, without any public money, and if there were no concerns about excessive corporal punishment or accounting shenanigans—do they have the moral right to educate their children as they do?

Meaning: little to no instruction in English, or math, or science, with nearly the entirety of the curriculum devoted to religious education.

Would that be morally acceptable?

Would it be morally acceptable if—as is the case—this kind of education left a significant many of its graduates without the skills needed to earn a living wage in America?

Or does the broader society have a compelling interest and/or a *moral duty* to force this community to change its educational program?

When it comes to educating children, who gets to decide which values and educational goals and methods and standards and outcomes are desirable and right?

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When we frame it this way, we see that the Hasidic yeshiva issue is not an isolated one.

Similar debates are occurring about whether public schools should be permitted to teach critical race theory, or intelligent design, or climate change, or allow prayer in the locker room.

All these debates are manifestations of a broader social and political challenge, and that is: defining the boundary between the private sphere and the public interest.

And it's something the Torah, in this week's parashah, is concerned about, too:

"Cursed be the one who moves a neighbor's boundary-marker," it says (Deut. 27:17).

It's a reference to Commandment #5221: that you may not overreach an established boundary and try to claim someone else's property for yourself.

It's the source of a halakhic concept called "*hasagat g'vul*," which is when you try to assert your power over a space that is rightfully under the purview of another.

So, when it comes to educating children, where is the boundary between the rights and interests of parents and private communities and the rights and interests of the public?

One way to answer that, of course, is to say: Well, if they're accepting public money, the public has a voice in their education; but if they're not taking public money, then they can do what they want.

But to me, it's about more than where the dollars come from.

Our society says every child has the right to an education; that's why we have decided collectively as a nation to establish public schools that are free and open to everyone.

And to my mind, that education must give them the knowledge and the skills to successfully live in the world as adults.

But herein lies the rub. Because in the innumerable communities that make up America, there is not a universally shared definition of what it means to live successfully in the world.

You and I most likely share a common understanding of what that means, but the Hasidim of Brooklyn most certainly do not see it the same way we do, because their society is based on a different value system than ours is.

In *our* world, success is generally measured by things like how far you make it in your career, how much money you earn, and how much stuff you can buy.

In their world, success—I *think*—is measured by things like how proficient you are in Torah, how many children you have, and how religiously fervent you are.

My first reaction to *The New York Times* story was revulsion toward the Hasidic community for denying their children a real education.

To me, willfully *not* teaching American children how to read and speak English and other basic skills is a kind of child abuse—and something must be done about it.

As I've thought about it more and talked it through with some people, I still see it that way. But I've come to realize that I see it that way because of *where I sit* in the cultural tapestry of America.

As a 21st century Reform Jew, I hold what might be called typical Western values: I believe that knowledge comes from a variety of disciplines and sources. I believe in hard work and self-sufficiency. I believe that my career can and should be ennobling and a source of meaning.

And I will admit that I am judging the Hasidim and their education system through the lens of *these* values—values that are mine, but not necessarily *theirs*.

And even if they would agree with my value statements, we certainly would interpret them differently.

Which begs the question: How would they judge *our* educational system?

I can guess, but one thing I can say for sure is: *Our* system does as poor a job of preparing *our* children to live in *Hasidic* society as *theirs* does in preparing *their* children to live in *secular* society.

If Hasidic parents want to raise Yiddish-speaking, religiously passionate kids who are proficient in Torah and Talmud and know nothing about math or science, do they have the right to do so?

If the state imposes rules requiring yeshivas to conform to secular educational standards, is that *hasagat g'vul*, a trespass against their private rights? Or is it a necessary and legitimate move to correct a moral wrong being committed against innocent children?

I'm afraid I don't know how to answer this.

I know what I think and feel, but I can't escape the fact that my view is the product of my own cultural context and value system.

I have to acknowledge that, if I am to be intellectually honest.

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Robert Cover, a Jewish law professor at Yale in the '70s and '80s, taught that in a liberal society like the United States the boundaries between the private sphere and the public interest are constantly taking shape.<sup>2</sup>

Ideally, individual communities should have maximum freedom to pursue their own vision of the good without interference from the state or other communities.

But when they bump up against what is generally regarded as the public interest, one of two things will happen: Either the state will assert its power over the private sphere to enforce its norms, or a new consensus will emerge about where the boundary between private and public should be.

Either way, the state of the boundary is always fragile.

But Cover says that the keys to navigating this constantly changing landscape can be found in a teaching from Pirkei Avot:

“The world is sustained by three things: by justice, by truth, and by peace” (1:18).

“Justice” means acting morally toward other people and doing right by them.

“Truth” means being honest and transparent in all your dealings, both publicly and privately.

And “peace” means knowing when to stop fighting and accept a solution, even when you don’t get everything you want.

Perhaps this wisdom can guide the Hasidim and New York State alike as they work to address the issues brought to light this week.