

Parashat VaYikra, Torah Scholars, Wisdom, and the Club Controversy

RIETS Kollel Elyon

14–18 minutes

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So much can be packed into just five letters. The Book of Leviticus draws its Hebrew name from its first word, five letters long, “*Vayikra*”. Seemingly a minor term of introduction to the text, it translates to “He called”, indicating God’s overture to Moses before issuing instructions to him, a word most of us would skip over, assuming it is simply there to set the scene. Wait, teach the Rabbis in the Midrash (Lev. Rabbah 1:15): there is a lesson here. Take notice of how Moses, who had every reason to think his accomplishments had earned him an automatic Divine audience, did not assume on his own that he could enter the Tent of Assembly from which God’s Presence with emanating; rather, he waited to be specifically invited.

This, say the Rabbis, teaches us a principle of behavior, or *derekh erez*. However, it is not merely a matter of manners; they express themselves with a strikingly harsh statement: “any Torah scholar who doesn’t possess *da’at*, a *nevelah* (animal carcass not fit for consumption) is superior to him”.

How should one translate “*da’at*”? Four letters that contain multiple interpretations; it is often used in conjunction with the word “Torah”, to refer to insight and judgment that emerge from great rabbinic scholars. However, the phrasing in this *midrash* indicates that it is possible to have one without the other, and that even great experts of Torah risk becoming a counterproductive force unless they also work to acquire “*da’at*”.

To some, the word indicates modesty, avoiding overconfidence that may emerge from superior scholarship (see *Rada*!); to others, ethical refinement, and moral sensitivity (see *Etz Yosef*; *Yefeh Toar*); or balanced judgment (*Matnot Kehunah*); perhaps it is a combination of all of these. What emerges clearly, in any event, is

that a Torah scholar must exercise careful and deliberate judgment to not be inferior to a *nevelah* - perhaps the result of a mangled, clumsy attempt to make something kosher - subjected to rapid spoilage, and a source of revulsion to people.

Yeshiva University, over the course of more than 125 years, has housed Torah scholarship of an astonishing nature, providing a home for world class rabbinic scholars to share their learning with thousands of students. Further, it has carried this great learning with *da'at*, in every sense of the word; its leadership, collectively, and individually, has guided generations of Jews, in America and worldwide, with wisdom, balance, and moral and ethical sensitivity.

The same rules of behavior would, one would hope, guide those who would seek to pass judgment, especially in public, on the recent announcement of the establishment of the *Hareni* club. Undoubtably, there was much ambiguity that surrounded the reporting of this development in many outlets. Nonetheless, any presumption that YU had abandoned a commitment to upholding the eternal values of the Torah, in letter or in spirit, in this matter, ignores the reality of the history in which YU so resolutely opposed the formation of a Pride Alliance club that it allowed itself to become embroiled in extensive and expensive litigation, protracted negative publicity, and considerable other difficulties, and have been prepared to go to the Supreme Court. If this does not constitute a *chezkat kashrut*, a presumption of propriety, one is hard-pressed to know what does. The burden of careful *da'at* lies on the shoulders of those who would rush to judgement, to charge at the sanctuary prematurely.

This is not to ignore that the perception of what has happened has lamentably contributed to what amounts to a *chilul Hashem*, as some of our own *rashei yeshiva* have noted. This highlights the urgency of correcting the record and clarifying the facts. It does not, however, justify the unfair presentation of the events by media outlets, nor the unquestioning acceptance of their reports and assessments by those who have reason to know better.

It does not take much experience to recognize that media reports are often misleading in multiple ways, and certainly cannot substitute for any definition of *da'at*. Any minimal exposure teaches, *lo tasur yamin u'smol*, do not be led astray neither by the right nor by the left, not by the New York Times nor by websites associated with the Yeshiva community.

Crucially, it is not only the Yeshiva University leadership that has been subject to sweeping, unfair judgment. There are many individuals, members of the YU

community and beyond, who have watched with personal interest and investment how this matter would be handled. This is not only a reference to the plaintiffs, but rather to a much larger group, varied and diverse, who are confronted with challenges in aligning the commandments and values of the Torah with vital aspects of their realities. Many struggle, mightily and bravely, sometimes in utter solitude, to live completely within the boundaries of Torah life, and to understand to the best of their ability the mission that God has placed before them. Included in this group are many who have succeeded, against extreme challenge, in adhering to all of the demands of Jewish law and values; others hope to do so in the future, and some find that they are overwhelmed by the task of navigating the path. Can all of these individuals be judged with any one label, painted with one brush? Is there any justice in attaching devastating value judgments against an entire group, which has within its members individuals who meet every definition of righteousness? The egregious violation of the prohibition of *ona'at devarim* shocks the soul.

The last word of that first verse in Leviticus contains four letters, in Hebrew, *leimor*, “to say”. Another seemingly innocuous word, again providing a lesson for the Rabbis (Yoma 4b). Moses was specifically informed that what God was telling him should be repeated to others. Apparently, says the Talmud, one who lacks explicit permission should never assume he may share with others what he is told. Rabbinic authorities are quick to point out that this goes beyond the general transgression of breaking confidentiality; that is already a defined prohibition of its own (see Meiri; *Resp. B'tzel HaChokhmah*, IV, 84; *Resp. Yehudah Ya'aleh*, 19). Here we are speaking of a default sensitivity, a recognition that speech is often an individualized expression of inner vulnerability, tailored to the identified listener and deserving a presumption of respected privacy. It is an awareness that guidance and advice are products of a carefully nurtured relationship, and what can be said to one person in one context may be a terrible violation in another.

The rabbinic leadership of YU, possessed of both Torah learning and *da'at*, perceived that obscured in the maelstrom of litigation and media coverage were individuals in sincere search of direction from Torah scholars in navigating the circumstances of their lives. As every *rosh yeshiva*, *mashgiach*, and communal rabbi knows, it is for this they were created. Accordingly, they were receptive to the plea that a vehicle be created to facilitate this engagement. To be clear, this is not simply a result of the pressures of litigation, government funding regulations, or public excoriation; it is because this is their lives' work.

There are many legitimate issues that confront students in these situations that call

for careful guidance and attention. *Yom Tov* is fast approaching, and families will be gathering in large groups. How should one interact with family members, unaware of the unique challenges confronting this individual? How should one respond to an innocent but unaware inquiry regarding a *shidduch*, while protecting one's own privacy? How does one effectively deal with insensitive and hurtful comments? All of these are areas where attention and counsel are sorely needed, and unquestionably appropriate, breaching no boundaries of Jewish law or philosophy.

The name "Pride alliance" has been refused from the outset by the Yeshiva administration. This reflects the Torah value that pride is a completely inappropriate mindset to associate with most things, but especially with that which is meant by definition to be private, and certainly if associated with Torah violations. The prophet Jeremiah (9:22-23) records, in fact, that most elements of one's life should not be held up proudly, with one exception: "but only in this should one take glory: that he understands and knows Me, for I am the Lord who exercises mercy, justice, and righteousness". We can take great pride in association with an institution whose leadership extends itself to know and to understand God, in every way that they can, and to share that with all who seek this wisdom from them; as well as in a student population striving to understand what God expects of them in all circumstances.

There is much about the biology, psychology, and underlying nature of these challenges that is unknown. In contrast, we do know that everyone is endowed by his Creator with the potential to be righteous and in fact to live a life of magnificent spiritual value and quality (Maimonides, Hil. Teshuvah 5:2). Each individual is unique, and, accordingly, the nature and form of this potential differs widely from one person to the next. No one is created without value; quite the contrary, the value of every human being is one that is distinct and cannot be replaced by any other person. This is true when the unique potential of an individual is one that is comfortably consistent with their own hopes and dreams, and communal expectations; and it is equally true when the opposite is the case. In the latter case, there is often great emotional dissonance and genuine pain, and it is vitally incumbent upon the community to strive to mitigate that suffering, while using all means possible to constantly make clear the infinite worth and potential of that individual.

To focus on the broader question of a club as the proper vehicle for the needs of the students, it is recognized that one who feels alienated and apart from the community in matters of sexuality endures profound suffering and isolation. Often,

solace and support are found by connecting with others in similar circumstances. However, it is still the case that everyone's situation is unique, and the perceived commonality in such affiliations often undermines the possibility of appropriately addressing the needs of each individual.

Furthermore, in matters of sexuality, a mandate of modesty must govern, and in fact, for that or other reasons, the *mishnah* (*Chagigah* 11b) teaches that matters of sexuality should not be addressed in a public environment. Accordingly, the advantages of making common cause notwithstanding, many rabbinic leaders feel that these issues are best addressed in a personalized, one-on-one setting.

While continuing to believe that this represents the most appropriate approach to these concerns, the students' fervent position that a club was necessary persisted, and given that the disagreement was one of effectiveness rather than values, the rabbinic leadership was willing to approve a club format despite their misgivings, to better meet the students at a point of familiarity and of responsiveness to their own understanding of their emotional needs.

More consequential hesitations attached to the initialism "LGBTQ" and its variations. The usage of this term is fraught with generalizations, conflation, and misimpressions that do a disservice to all involved. To give one example, it suggests that the challenges of one who has no permissible outlets for his romantic aspirations is sufficiently comparable to one who does but also has additional attractions in addition, or that their concerns can be addressed in tandem. Further, it combines attractions and behaviors into one unit, significantly blurring their compatibility with the parameters of Jewish Law, again to the detriment of all aspects of this endeavor. In sum, this term greatly impedes the individual treatment and respect that should be due to those to whom it would be applied. For good or for ill, so many meanings and implications can be contained in four or five letters, whether or not this is the intention. Accordingly, it is the strong feeling of Yeshiva's rabbinic leadership that this term should not be used.

Nonetheless, given the initialism's widespread adoption in contemporary society, and its potential to facilitate effective communication and avoid offense, the assessment of some of the rabbinic leadership, with others disagreeing, was that this term could be utilized, if necessary, toward that end, as long as the word "pride" is not used.

It is understood that this usage does not indicate any kind of an endorsement of all of its elements, as it is simply a linguistic convention (*lashon bnei adam*) designed to facilitate respectful conversation, as flawed as it indeed is. There is precedent for

this in halakhic discourse; the term “intermarriage” is commonly used, despite the fact that Jewish Law does not recognize the validity of marriage outside the faith.

Here again, this arrangement was approved because it preserved a channel of access to those who need it the most. It is for this reason that YU continued its offer even as the plaintiffs were ready to withdraw their lawsuit, and it has not changed (except in name) from its original form.

It has become clear that these four or five letters contain multiple meanings that have factored greatly in the controversy surrounding the club. To many, they are inextricably linked with a culture that involves and even promotes sinful practices. To others, they constitute a pathway for those with drives and instincts that can isolate them from others and complicate their relationship to Jewish practice and theology, and for whom commonality with others in similar, albeit broadly varying, circumstances can serve as a literal lifeline.

In that same first verse in Leviticus, God addresses Moses from within the Tent, and Moses could hear, while the people in between could not (see Rashi, *Gur Aryeh*, *Mizrachi*, and *Siftei Chakhamim*). In a perfect, perhaps miraculous world, communication could work that way: the speaker can direct to the listener words tailored for his ears, without concern for how others perceive that message. In our regular world, it is never that simple: words and letters have multiple meanings and connotations, culture and context define content, and the broader audience takes over.

It is deeply unfortunate, whether due to bad faith, misunderstanding, or miscommunication, the impression has been created that Yeshiva would endorse or allow under its rubric any violation or compromise of any detail of the letter or spirit of Jewish Law. This never has been the case and never will. It is a responsibility on all who can publicly clarify the facts and mitigate the lamentable impact of the misrepresentation to do so.

What remains true is that Yeshiva is committed to assisting and guiding all of its community members in navigating the unique challenges that all of us have, in one form or another, to reaching the magnificent potential inherent in all of us. May the Holy One assist us in this ongoing mission, and may we be granted the Divine gift of wisdom, understanding, and insight, so that all of our practices are perceived as, and genuinely constitute, a sanctification of His Name.