

Statement by the President of Yeshiva University

For the past year, I had hoped that the imbroglio caused by the tasteless personal remarks of a student speaker at the 1994 law school commencement exercises, concerning his homosexual relationship with some other person, would die down and so avoid a "desecration of the Name" by being aired publicly. After all, the number of students involved in homosexual groups in some of our graduate and professional schools is ludicrously minuscule--some 20-30 students out of a population of some 6,200--and it is the student government, not the university, that pays for and decides which groups may use which rooms for their meetings. These individuals gather for purposes of discussion. In this they are no different from other extracurricular student organizations in these schools devoted to singing or music or art or whatever, matters not necessarily related to their academic work. Moreover, there are no substantive halakhic issues per se involved here that should have impelled us to take action. But the issue has not disappeared, and, indeed, it has been exacerbated by misleading articles in the press; among them was one comparing Yeshiva to Notre Dame, which failed to emphasize that Indiana has no law constraining such groups, whereas Yeshiva is in New York and is bound by different laws. I have therefore reluctantly concluded that while silence was mandated heretofore, we must now, by the same token, declare ourselves forthrightly.

Yeshiva University is, for an American Jewish institution, rather venerable: it is 109 years old. For the majority of its life, it has been an academy that combines Jewish studies and worldly disciplines--*Torah Umadda* or, as its name clearly suggests, both a yeshiva and a university.

Because of this combination, it is a historic, even unique, entity. It is a complex thing, with interwoven and interacting parts, and balanced with extreme delicacy, and therefore cannot be understood without adequate reflection as to its essential nature and mission.

The result of this synergy or synthesis is that it is, at one and the same time, destined to play a great and enduring role in the world, and fated to be misunderstood and even reviled by those who cannot or will not accept that Yeshiva University, like life itself, is complicated, complex, ambiguous, and often paradoxical. A simplistic, single-minded approach will never grasp the nature of Yeshiva University; a demand that it be either/or misses the whole point of its aspirations and threatens to upset the delicate equilibrium on which it is based. It is, and will always remain, both a yeshiva and a university.

As a *yeshiva*, with its undiminished commitment to the priority and fullness of Torah, it subscribes without reservation to Halakha (Jewish law) and to the moral code that has guided and guarded the Jewish people from its inception in the days of the patriarch Abraham through the Torah and Talmud to this very day. That moral code--part not only of the religion but also the historic culture of Israel--considers homosexuality as sinful and a reprehensible aberration from the conduct expected of humans endowed with the dignity of the divine image.

But Yeshiva University is also a *university*, and as such it is open to students and faculty of all creeds, races, convictions, and nationalities. Indeed, it could not function in this time and place were it otherwise. That is why, some 27 or 28 years ago, the decision was made by the then administration and trustees of Yeshiva University that it the university be declared a secular, non-denominational university, with the Rabbi Isaac Elchanan Theological Seminary as an affiliate. In that manner, the Yeshiva part could remain true to its yeshiva values of sanctity and Torah study and Jewish observance without compromise, while the University part could function as an American university without abandoning its values of openness and diversity which are part of the academic practice of America. It is thus non-denominational, open to Jew--Orthodox or non-Orthodox--and non-Jew alike, and does not seek to impose on them its standards or values. It respects the integrity and autonomy of all who are part of this community of scholars, including those whose beliefs or conduct we may consider objectionable and even disgraceful. In the "free market place of ideas," anyone is permitted to offer any wares for sale, but no one is required to buy them or even to approve of their presence.

It is true, however, that even in a university there are limits to speech and action. "Hate speech" is not now permitted on most campuses--and for good reason. Nor are certain kinds of conduct allowed free rein; nudity, for instance, is not tolerated in public. Free speech, as any American child knows, is not an absolute despite its preeminent role in the Bill of Rights. And this holds true for the freedom of assembly as well.

This now raises the question of the right of homosexuals to assemble as a distinct group on our campuses. The question is not whether individual homosexuals are permitted to enroll or teach; no one inquires as to sexual orientation and it is no one's business what one does in the privacy of his or her domain. (Raising the issue is in itself a violation of the Jewish canons of modesty.) All people are welcome provided they fulfill the posted academic requirements and do not interfere with other members of the community. The problem with which we are wrestling is whether conduct deemed abominable by the Torah should be considered publicly acceptable in a university operated under Jewish auspices and affiliated with an Orthodox Jewish theological seminary. Is not the very existence of a group gathering as individuals espousing an "alternate sexual life style" in itself an expression of advocacy of that life style? And can such advocacy be considered as just another item in the university's "free market place of ideas?" Or, perhaps, is it more akin to crying "fire" in a crowded theater or nudity in public or the moral equivalent of hate speech?

This is the problem that has agitated us for this past year and has caused us--and me personally--no end of grief. It is but another illustration of the difficulties of living in two worlds, in a yeshiva that is also a university, of combining the sacred with the secular, the Jewish with the worldly. This problem does not exist for those for whom the sacred is a fiction and Torah has no commanding value, as well as for those who regard all of modernity as heretical and who prefer to shut out the noise of the "free market place of ideas" and live their lives in deliberate seclusion where Jewish norms prevail without interference. But it does confront those of us who affirm

Torah Umadda, who will yield neither on the one nor the other, who consider the Torah to be ineffably precious and wish therefore to have it exercise its influence on the world at large. It is, in other words, not an unexpected issue for an institution like Yeshiva University.

No one should doubt where my personal values and sentiments lie. I deplore the conduct espoused by these groups because it offends the whole structure of public morality on which the United States was founded and because it goes against the whole grain of Judaism as both a religion and an old yet vibrant culture. Jewish continuity is dependent on the family as the key unit in the survival of the Jewish people, and the family cannot flourish under homosexuality. What the Torah unambiguously forbade and considered immoral cannot be accepted with equanimity. I reject the notion that there is no middle ground between the relativistic acceptance of the legitimacy of "alternate life styles" and a strident homophobia. One can respect the rights of individuals to choose their paths in life as they wish, and relate to them with sensitivity and civility, without succumbing to the corollary that therefore no moral objection may be registered to their demonstration in public. As an Orthodox Jew, as a rabbi, as an educator, my heart cries out in protest against the excesses of permissiveness no matter how widespread is its acceptance in contemporary society.

But as president of a university located in New York City, where the human rights law forbids any discrimination based on sexual orientation, I am bound to observe that law, although I may disapprove of it. And as head of a university which includes graduate and professional schools --where such gay and lesbian groups are located--I cannot violate the requirements as set down by the various accrediting agencies of these schools without jeopardizing their very existence. On the grounds of both a moral and practical calculus, I conclude that it is not worth endangering the whole enterprise of Yeshiva University--with all the incalculable good it does for both the Jewish and general communities--because of the existence of these few groups in our graduate schools, groups which we do not sponsor or pay for or endorse in any way. To do so would be to precipitate a "desecration of the Name" of monumental proportions.

There is no simple, easy, "clean" solution to our dilemma. Like so many other of life's ambiguities, we must live with it, under protest if necessary, but continue the extremely positive work we do in so very many areas. We are not asked to "recognize" homosexual groups--the city code makes that abundantly clear--but merely not to interfere with them. So we shall respect the law that requires of us to grant equal access to all groups while we withhold any scintilla of endorsing or recognizing the legitimacy of a life style we regard as immoral. In the graduate and professional schools---where Torah is not taught and where the "Jewish" component consists only of making kosher food facilities available to all and following an academic calendar that does not compel observant Jewish students to suffer discomfort because of their observance--these groups will be allowed the same access as other groups without discrimination. But in those schools where Jewish studies are taught, the moral norms of Torah must and will prevail; here, in the heart and soul of our entire enterprise, there can and will be no compromise.

Perhaps such thoughts are out of step with tendencies in much of contemporary society. So be it. I prefer to speak out on behalf of what I believe is morally right, even if I must do what is politically correct because it is legally necessary.

The Sages of the Talmud taught, "the disciples of the wise cause peace to increase in the world." As a scholarly institution, we are a community of teachers and disciples. I fervently hope that we can now act, wisely, to still the polemics and ensure peace in our midst. Both sides have had their say; now let us go forth to teach and study and research--and enjoy *shalom*.

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