

Yated and YCT Substance and Methodology

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A FEW MONTHS AGO, an article appeared in Yated Ne’eman which asked the question of whether or not Yeshivat Chovevei Torah (YCT) is Orthodox (to read the article on line, see <http://www.theyeshivaworld.com/article.php?p=5269>). Though many people may have been upset by the very asking of this question, the question is actually quite legitimate and proper. Torah, while expressing great tolerance within its parameters, still sets parameters. These parameters demand our attention and articulation – especially when advocating for tolerance within these parameters. (See, also, my [The Slifkin Affair Revisited, Part 1: Issues of Tolerance](#).) In applying the famous principle of *Eilu v’Eilu*, “these and those are both the words of the living God,” (T.B. **Eruvin 13b**) a method of evaluating whether the position with which you disagree is within the pale of Orthodoxy must still be determined and applied. Yated Ne’eman is actually to be commended for asking the question of whether an entity with which it is in obvious disagreement, i.e. Yeshivat Chovevei Torah, is still within the pale of Orthodoxy. This is an important question to ask, not just for the determination of an answer but also in the fulfillment of the need to define the very parameters of Orthodoxy. Whether this article met the powerful requirements inherently demanded in such a question is a different matter.

A dismissal of the question in an outright fashion or a simplistic response that Chovevei Torah is clearly within the pale of Orthodoxy for there is a basic level of *shmeirat Shabbat* amongst its leadership and student body, only perpetuates the vague standards that exist within the general population in regard to the basic theological and philosophical standards of Orthodoxy. Rabbi David Berger, in his critiques of the Mashichists, has consistently warned that the simple recognition of their obvious observance of *mitzvot*, in action, actually can cloud the need for a more intensive investigation of theological and philosophical principles within Orthodoxy. Whether one

agrees with Rabbi Berger's conclusions or not, it is important to acknowledge the important underlining idea that he is effectively raising: Torah Judaism has intellectual/belief parameters that must be articulated. Given the concept of *Eilu v'Eilu*, this indeed can be a most difficult undertaking but, nonetheless a definition must be articulated. The first challenge, therefore, that one faces in responding to such a question as was voiced in the Yated article is, thus, to determine the yardstick to be used in making this evaluation.

The actual difficulty with the article in Yated Ne'eman is that it did not clearly meet this challenge. The Yated article did not just pose the question; it also attempted to answer the question with a resounding no. This would not have been a problem, in itself; however, in doing so, it presented criteria of evaluation which did not meet the standards necessary for a proper evaluation. The Yated article clearly articulated practices advocated by YCT with which the Yated world has problems – in many instances I found myself also in agreement with the Yated position – but the fact that my *halachic* conclusion is in disagreement with the *halachic* conclusions of the leaders of YCT does not mean that these individuals or the institution itself is outside the pale of Orthodoxy. Orthodoxy cannot be defined by the conclusions reached but, rather, it is the methodology that is employed in reaching conclusions – and the underlying theologies of these methodologies – that must be the focus for any definition of Orthodoxy. The truth is that the author of the Yated article also seemed to recognize this. Sadly, though, the yardstick that was presented was vague and reflected a narrow understanding of Orthodoxy as employed in the Yated world.

Towards the beginning of the article, the following method of evaluation is presented:

...we will quote from the words of YCT's faculty members and we will determine whether these words represent Orthodoxy; whether these ideas are in consonance with *halachic* Judaism as dictated by the *Shulchan Aruch* and the great *poskim* throughout the generations...

What exactly does this mean? Whenever reference is made to the *Shulchan Aruch*, one is faced with the necessity of defining this term in the specific context that it is being used. In this case, it obviously means more than the actual book authored by Rabbi Yosef Karo; otherwise *Ashkenazim* who follow the *psak* of the Rema would also be outside the pale. (We will discuss the great *poskim* part of this criterion shortly). What, then, does the reference to *Shulchan Aruch* mean in this context? Do all within Orthodoxy agree with this

definition? Do all within Orthodoxy agree with this defined parameter? Interestingly Rabbi Dr. Joel Roth of Conservative Judaism's Jewish Theological Seminary actually maintains a similar definition on the dividing line between Orthodoxy and Conservative Judaism. In an interview presented in Yeshiva University's student newspaper, *The Commentator*, we find the following:

The Commentator: What would you say is the difference between the way the Conservative movement views the halakhic process and the way Orthodox Jews view it?

Joel Roth: By and large, I think the way the Orthodox and the Conservatives use the halakhic system is quite comparable, except for one major point that I will demonstrate through an analogy. If we say that halakha is like a chessboard then when the game began, whenever that was, the chessmen are set up on the board and it's clear that each piece has certain rules and limitations as to the ways in which it can move. We all agree that the game was played with moving these chess pieces until after the *Shulkhan Aruch*. Now, the Orthodox world says there is a dome over the chessboard that freezes it in the place it was with the acceptance of the *Shulkhan Aruch*. You can still answer every new halakhic question but your answer can no longer move a chess piece. The Conservative Movement says the *Shulkhan Aruch* has a lot of weight of precedent behind it but there is no dome over the board... (See, further, media.www.yucommentator.com/media/storage/paper652/news/2007/05/07/Opinion/The-Other.Side.Of.The.Coin-2891938.shtml.)

Rabbi Dr. Roth seems to be stating that Orthodoxy flows from parameters set on the *halachic* system by the world of the *Shulchan Aruch*, i.e the *halachic* process that developed through the *Shulchan Aruch*'s world of commentators. To Rabbi Dr. Roth, accepting these parameters means that one is Orthodox while the rejection of these parameters puts one outside the pale of Orthodoxy. While one may also take issue with this definition – both in how it defines Orthodoxy and also in how it defines Conservative Judaism – it is interesting that both Rabbi Dr. Roth and Yated refer to the *Shulchan Aruch* as the major point of demarcation of Orthodoxy. Of course, this is not to say that Yated is in actual

agreement with Rabbi Dr. Roth's subsequent formulation of this distinction. Nevertheless, Yated needed to further outline what it meant by its reference to the *Shulchan Aruch*. (It may be of interest to note that Rabbi Dr. Roth also saw YCT as really Conservative with the institution's attempt to maintain an Orthodox label as being motivated by pragmatic concerns. Of course, Rabbi Dr. Roth may also be motivated by pragmatism in his desire to label YCT Conservative, thereby giving possible life to, not only the Conservative movement in general but, to his specific, more traditional view of Conservatism which, presently, is under great stress.)

The author of the Yated article could possibly argue that he defined the role of the *Shulchan Aruch* by referring to "the great *poskim* throughout the generations." Strangely, though, "*poskim* throughout the generations" have had vastly different perspectives on the role of the *Shulchan Aruch*. More on point, though, who and what defines a great *posek*? With such a loose definition, a tautology that negates the very effectiveness of this yardstick can also develop. It becomes possible for a specific scholar's opinion to be dismissed as this scholar can be declared not to have been a great *posek*. The result is that one who follows this scholar can be declared not Orthodox. But what led, in the first place, to this scholar being declared not a great *posek*? If it is because he didn't follow 'the rules', do we not need to then know 'the rules'? What is demanded are the underlying standards which truly defines who is a great *posek* within Orthodoxy, not a simple reference to the great *posek*. In determining whose words we will value, we are actually involved in the process of defining Orthodoxy. We need to know the considerations that are applied in this process, not simply a reference to one as an accepted voice of Orthodoxy. A simple imposition of authorities, seemingly presented in an arbitrary manner without explanation for their choice, is misleading. It effectively means one can set the standards one wishes by simply presenting, as the great *poskim*, solely individuals with a certain view.

Yated, though, may have recognized the potential of an argument of this nature as it included in this presentation of great *poskim* the Rav, Rabbi Joseph B. Soloveitchik, the Torah mentor of Modern Orthodoxy. In doing so, it was showing that its yardstick was not narrow, only defining rabbis from its world as great *poskim*, and thus its form of Orthodoxy the only acceptable one within the pale. The yardstick was deemed to have some breadth for, while Yated still disagreed with many of the positions of Modern

Orthodoxy, it, in employing this yardstick, was not describing all Modern Orthodoxy outside the pale of Orthodoxy. Modern Orthodoxy which followed the Rav, who was to be included in this group of great *poskim*, still meets this yardstick of being “in consonance with *halachic* Judaism as dictated by the Shulchan Aruch and the great *poskim* throughout the generations.” It is YCT that is Yated’s focus. It is the greater problem, and outside the pale, for it does not even follow the Rav. (The presentation of the Rav in this fashion by Yated was found, by many, to be somewhat amusing – if it wasn’t so sad – because this level of respect for the Rav has not been generally found within the *charedi* journalistic world.)

This, in fact, was the major thrust of the Yated article. It did challenge YCT on some substantive issues but basically without substantive arguments. The article did present statements made and actions undertaken by YCT’s leaders and students but then simply contended that they were wrong and outside the pale of Orthodoxy, imagining the reader to be nodding in agreement. In avoiding substantive arguments themselves, it almost seemed that Yated was assuming that the general readership was adept in not only defining, in theoretical terms, that which they believe, but also able to fully contemplate whether a position, with which they are in disagreement, is still within the pale – both areas that demand intense study. Often, the author simply stated a fact and expected the full agreement of the readership that this was clearly outside the pale. The thought that maybe YCT had halachic arguments for its position was not even contemplated. The fact that maybe there is an issue here demanding further consideration did not even emerge. The attack upon Rabbi Michael Broyde is particularly illustrative of this problem. Rather than questioning Rabbi Broyde’s acceptance of Rabbi Farber, a YCT graduate, as a student for *dayanut*, the fact that Rabbi Broyde, a noted *talmud chacham* and *posek*, did accept Rabbi Farber should have been recognized as an argument for why YCT is actually within the pale. While I have not read Rabbi Farber’s article on Yaakov Avinu, “Choosing a Wife – Did Yaakov Get It Right?”, Yated’s critique of the article based on the title is actually somewhat problematic. While many authorities have challenged the questioning of the *Avot*, our Forefathers, there are many authorities who maintained that respectful questioning is not only permitted but necessary. This is simply not an issue in the determination of whether one is in the pale of Orthodoxy. The fact is that many *halachic* and *hashkafic* assertions made within the Yated article were themselves problematic.

Overall the article failed to provide the proper analysis necessary to show, substantively, why statements and actions emanating from this *yeshiva* were not only wrong, in Yated's opinion, but clearly outside the pale.

In the end, the one clear standard employed and demonstrated within the article was the definition of proper observance within the *charedi* world: you are Orthodox if you follow *gedolim*; you are Orthodox if you follow *da'as Torah*. There are many ways to understand the directive that to be Orthodox one must be "in consonance with *halachic* Judaism as dictated by the Shulchan Aruch and the great *poskim* throughout the generations." Within the *charedi* world, it means following the *gedolim*, i.e. *da'as Torah*. This was ultimately the yardstick of the article. Usually the *charedi* world only accepts their *gedolim* as *gedolim* but, in this case, Yated was willing to describe the Rav as a *gadol* for the Modern Orthodox and thus, the Modern Orthodox who follow the Rav are within the pale. YCT, however, stepped outside the Rav's pronouncements. The institution and its leaders and students therefore, must be defined as outside of the pale of Orthodoxy. Effectively, while Yated is greatly bothered by many of the substantive positions held by YCT, the thrust of the force of Yated's challenge is that YCT does not even follow its own *da'as Torah*, the *da'as Torah* of Modern Orthodoxy, the Rav. YCT's positions are not shown to be problematic because of any substantive argument but because they are in disagreement with the Rav's statements on the matter – and, to Yated, to be deemed Orthodox, YCT is duty-bound to, at least, follow the Rav. The problem is that Modern Orthodoxy inherently disagrees with this very thought and assertion. Even given the vagueness inherent in the presentation of Yated's yardstick, Modern Orthodoxy in general (although it would be too limiting to say that this view is only existent within Modern Orthodoxy) has a different understanding of what it means to be "in consonance with *halachic* Judaism as dictated by the Shulchan Aruch and the great *poskim* throughout the generations." Within this perspective of Torah, the views of *gedolim*, such as the Rav, clearly still have great weight but there is a further stress that the substantive issue must be debated on its own merits. This view thus demands one to not only consider the conclusion of a *gadol* but to focus on the reasoning of a *gadol*.

Rabbi Avi Weiss, the founder of YCT, in his article on Open Orthodoxy (see <http://www.encyclopedia.com/doc/1G1-20583577.html>), which effectively is a presentation of the theological foundation of YCT, addresses this very point. Considering

that the Yated author read this article and quoted it in the Yated article, it is truly problematic that he did not address this point. One of the major points of contention between present *Charedi* Orthodoxy and Modern Orthodoxy is this question of autonomy and authority. (Further on this issue of autonomy and authority, see my web article [Authority and Wisdom: The Slifkin Affair](#).) While Yated did mention many substantive issues with which it had problems, it responded based on a yardstick defined pursuant to a certain perception of Rabbinic authority. This was an inherent problem within their methodology. This yardstick itself is challenged within the world of Modern Orthodoxy. Rabbi Weiss himself presented the classic view of how the students of Rabbi Soloveitchik viewed him – as a further Torah source, yes even a great Torah source but not as an authority that always overrides personal investigation and determination. This would seem to have been the Rav's very teaching on how one is to view *gedolim*. This leaves two problems with the Yated article. It inherently fails because the actual yardstick that it employed is problematic. Modern Orthodoxy does not share this position so either Yated has to change its criteria or define the entire realm of Modern Orthodoxy, including the Rav, outside the pale. Second, especially in that the yardstick it employed was inherently faulty, Yated also failed to fully discuss and challenge the substantive issues and behaviours. (It is also further problematic that the Yated author did not refer to other major Rabbinic personalities, such as Rav Kuk and Rabbi Aharon Lichtenstein, whom Rabbi Weiss quotes in support of some of his views – which would have challenged Yated's position even according to its criteria. Of course, the Yated author may contend that these illustrious personalities did not maintain positions as described by Rabbi Weiss but that in itself would have been a worthwhile presentation.)

As mentioned at the beginning of this article, I find myself in disagreement with YCT on many of the substantive issues that this article presented. Of course, being in disagreement with the YCT position does not also mean that I think that YCT is outside the pale of Orthodoxy. I think though, as again mentioned above, it is important to ask this question and thereby to define the theological parameters of Orthodoxy. It is important, for the very sake of the discussion, to discuss the standards that YCT is setting for itself and consider, in depth, the factors necessary for making a determination on whether YCT is within the pale of Orthodoxy. We may have natural responses to various controversial positions that YCT is advocating. Whether these natural responses emerge

from our inherent nature or from the years of nurturing within a specific world of Orthodoxy, it is important that we truly study them within the world of Torah. Every issue that Yated mentions demands our attention as a topic for in depth Torah study. Whether we feel positive or negative about YCT's new directions, it does demand our Torah study attention. That is clearly the way of Orthodoxy.

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