

THE COMMENTATOR

The Independent Student Newspaper of Yeshiva University

VOL. LXXXV

MONDAY, DECEMBER 9, 2019

ISSUE NO. 5

University Cited for Dozens of Building, Elevator Violations Over Past 3 Years

By YITZCHAK CARROLL
and YOSEF LEMEL

Yeshiva University has been issued dozens of building code violations in the past three years, largely stemming from elevator issues on both the Beren and Wilf Campuses, The Commentator has learned.

Several of the violations are classified by the New York City Dept. of Buildings as “Code 1 — Immediately Hazardous” matters, and a number of the citations are still pending resolution. To date, the university has been assessed tens of thousands of dollars in fines for various building code violations from the Environmental Control Board, a city-run administrative tribunal that adjudicates summonses issued by various city agencies.

This past spring, the university was issued a \$1,250 fine for a Code 1 violation involving major safety issues on a Furst Hall elevator, including “door zone restrictor not working” and “door clutch

stopping elevator in flight,” according to Building Dept. records. This past summer, YU was cited and fined \$1,500 for failing to certify a correction of the violation.

Most recently, a Nov. 26 inspection of the Rubin Residence Hall led to the issuance of more than \$10,000 in summonses for multiple Code 1 violations. According to records, Building Dept. inspectors “observed an illegal laundry room in the basement of [Rubin Hall] with six active commercial gas dryers and new gas pipes, fittings and appliance valves in the kitchen and laundry room” of the residence hall, which also houses the Furman Cafeteria.

In 2017, YU paid more than \$500 in fines to settle elevator code violations in Rubin Hall stemming from a defective door restrictor and elevator car door gibs in need of replacement. A door zone restrictor prevents an elevator’s doors from opening outside of the landing zone. A gib holds elevator doors in place while protecting occupants from flames in the event of a fire. In 2018, the university was fined

\$1,000 for not having an elevator door restrictor in place in Belfer Hall. A 2018 inspection also found that YU installed equipment in a Belfer elevator without a proper permit, an infraction the university paid more than \$800 to settle.

YU’s Beren Campus in midtown Manhattan also had its share of violations. On Oct. 10, the university was assessed a \$2,500 fine for an “immediately hazardous” violation of having a loose, cracked copestone on the 18th floor of the Brookdale Residence Hall. This past May, YU was also fined more than \$600 for “failure to maintain” the elevator in Stanton Hall at 245 Lexington Ave.

At the Schottenstein Residence Hall, the university was cited in June 2018 for an inoperative door zone restrictor and “failure to maintain building in code-compliant manner” with respect to the dorm’s elevators. YU was also issued a \$500 summons in Sept. 2017 for elevator equipment

Continued on Page 3



An out-of-service elevator

THE COMMENTATOR

YU to Update Academic Integrity Policies

By SRULI FRUCHTER

New academic integrity policies are in the process of being finalized for all of YU’s undergraduate schools. These enhanced policies will introduce a single, campus-wide Academic Integrity Committee (AIC), a protocol for conducting in-class exams, guidelines for creating exams, acceptable excuses for makeup exams and instructions for professors who suspect a student of cheating. Commenting on the new policy update, Dean Karen Bacon said, “The draft document is being reviewed by faculty members. It is our hope that we will have a final version in the very near future.”

Shortly before midterms began this fall, Deans Karen Bacon, Rabbi Yosef Kalinsky and Noam Wasserman emailed students about the

impending changes to YU’s academic integrity policies for all undergraduate schools. The emails, which were sent out on Oct. 28 and 29, explained that this effort includes new policies, but is focused on “better [enforcing] the existing policies.”

“There have not been any large scale notable cheating scandals that have broken this year, as there have been in years past which is a very good sign,” Leib Wiener, president of YCSA, shared. “As the administration continues to focus on this issue, I think we will continue to see great returns.”

In the new policy draft, every potential breach of YU’s academic expectations will follow a formal process overseen by the AIC. In the past, each of YU’s undergraduate schools had their own, unique AIC to address

Continued on Page 4

Honors Program Celebrates Dr. Will Lee’s Retirement

By JACOB STONE

Dr. Will Lee, longstanding Professor of English at Yeshiva College (YC), was recognized by the Jay and Jeanie Schottenstein Honors Program upon the occasion of his retirement on Dec. 3. At the event, YC faculty, members of the YU administration and former students celebrated Dr. Lee’s career and the impact that he has had at the college. Dr. Lee also spoke, reflecting on the honors he has received in his life and his passion for undergraduate pedagogy.

This semester is the first in which Dr. Lee is not teaching at YC. It is the end of an era that began when he came to YC as an Assistant Professor of English in 1983. Having lectured at the beginning of his career at the History and Literature program at Harvard, he approaches literature through cultural study, attempting to understand texts along with the societies that produced them. During his reflection, he noted that it was at Harvard that he decided to “master undergraduate teaching.” Several speakers lauded Dr. Lee’s focus on his pedagogy, mentioning

his frequent development of new courses and propensity for co-teaching with faculty members from other departments.

Dr. Lee was chosen by students to receive the Senior Professor Award for distinguished teaching three times over the course of his career.

Dr. Lee’s classes were renowned through YC for being both challenging and rewarding to the students who took them. President Ari Berman remarked, “It was just yesterday that I was walking through these halls and taking Professor Lee’s class. When I entered Dr. Lee’s Expository Writing class, I knew I would be working ... And I did because he pushed me to do so.” Dr. Lee was chosen by students to receive the Senior Professor Award for distinguished teaching three times over the course of his career.

“The effort that Dr. Lee invested

in understanding the world in which his students lived shone through in all his teaching,” said Yair Lichtman (YC ‘19), one of his students. “With that comprehension, he orchestrated classroom discussions that embodied YU’s ideal of *Torah Umadda*.”

In the past five years, courses Dr. Lee has offered covered topics including Renaissance literature, Victorian literature and culture, and the interpretation of poetry. “Informed equally by Jewish analytical paradigms and secular literary consciousness,” said Dr. David Lavinsky, Associate Professor of English, “his courses reflected the inclusive vision of the YC curriculum itself.”

Untraditionally, Dr. Lee was granted tenure at YC primarily not because of his published research but rather because of his commitment to teaching and public service. Dr. Lee was involved in the creation of the Jay and Jeanie Schottenstein Honors Program and served as its director for its initial years. He also worked on the Middle-States college accreditation process for YC,

Continued on Page 3

THE COMMENTATOR

2019-2020

Editor-in-Chief
AVI HIRSCH

Managing Editor
YOSSI ZIMILOVER

News

Senior Editor YITZCHAK CARROLL *Junior Editors* JACOB ROSENFELD
ELISHEVA KOHN

Features

Senior Editor JACOB STONE *Junior Editor* YOSEF LEMEL

Opinions

Senior Editor CHANA WEINBERG *Junior Editor* MICHAEL WEINER

Business

Senior Editor ELI FRISHMAN *Junior Editor* EITAN LAVIAN

Senior Layout Editor
ROCKY PINCUS

Social Media Manager
AHARON NISSEL

Website Manager
ELAZAR KRAUSZ

Business Manager
Senior Manager SAMUEL KATZ *Junior Manager* MEIR LIGHTMAN

Programmer
OMAR FARUK

Layout Staff
ARIELLA BENOVTZ, MICHELLE NAIM,
TEMIMA YELLIN

Staff Writers
SARAH BEN-NUN, MAYER FINK, SRULI
FRUCHTER, NOAM GERSHOV, ZACHARY
GREENBERG, NATHAN HAKAKIAN, AVI
LEKOWSKY, DANIEL MELOOL, MICHELLE
NAIM, DONIEL WEINREICH

*The Commentator is the student newspaper of
Yeshiva University.*

*For 85 years, The Commentator has served
students and administrators as a communicative
conduit; a kinetic vehicle disseminating
undergraduate social, religious and academic
beliefs across the student bodies; and a reliable
reflection of Yeshiva student life to the broader
Jewish and American communities.*

*The Commentator staff claims students
spanning the diverse spectrum of backgrounds
and beliefs represented at Yeshiva.*

*We are united by our passion for living the
ideals of Torah Umadda, and a commitment to
journalistic excellence.*

Visit us online at
www.yucommentator.org.

FROM THE EDITOR'S DESK

We Are Not an Afterthought: Gender Inequality is Pervasive at YU

By CHANA WEINBERG

My experience as a woman at Yeshiva University has been overwhelmingly positive. I find myself inspired by my classmates, strong Jewish women who are pursuing a higher education. My classmates and I have had the opportunity to learn from female role models such as Dr. Naomi Grunhaus, Shoshana Shechter, Dr. Anne Peters, Dr. Schuk and Dr. Sharon Poczter, to name only a few. YU employs these women to educate and teach us to be thoughtful citizens of the world.

At YU I am given the opportunity to get an advanced degree in Talmud with its Graduate Program in Advanced Talmudic Studies. I can strengthen my appreciation for culture by attending operas and plays, by going to museums with my classes. There are numerous ways that YU has demonstrated it cares about furthering my education and the education of all its female students.

Unfortunately, my positive experience here has been clouded by a harsh reality. The attitude of and actions taken by our school — whether intentional or not — often brand its female students as second class citizens.

A moving editorial by The Commentator's former Managing Editor Shoshy Ciment last February addressed the blatant disregard for and ill treatment of female students at YU. We have been silenced and fled from, labeled as outcasts. Though the injustices mentioned by Ciment are incredibly important and must be faced head-on, I believe that they are just a "front page" display of the deeply rooted sexist culture at our university.

Beren students have access to fewer and lower quality facilities. They cannot use the university gym or the pool, both of which are on the Wilf Campus. And when asked why this is so, little effort is made to give the women a proper response. We do not have a spacious and bright library on our campus where we can study. Our dark, low ceilinged *beit midrash* is not comparable to the beautiful houses of learning on Wilf.

The Torah learning opportunities for women, though expanding, are far weaker than those offered to the men.

While the men have their choice of four different Torah study programs with options for high level *shiurim*, there is no equivalent morning program option for undergraduate women who desire more advanced study. Not being given these same opportunities devalues women's Torah learning and further contributes to the unequal culture that YU's women experience daily.

There are endless examples of how problems that could be excused as technical or logistical are actually overwhelmingly harmful specifically to women's experiences as students at Yeshiva.

*The attitude of and actions
taken by our school —
whether intentional or not
— often brand its female
students as second class
citizens.*

There is a scarce amount of Syms academic advisement on the Beren Campus. The most recent Syms Beren academic advisement sign-up page had three advisors for two and a half days a week. That is not enough availability for the 200 students at Syms Beren. This sleight marginalizes some of the most creative and hardworking students in our institution, telling them that they are not worth the time. It is tragic that a student should feel that way about her education.

Last year on Yom Hazikaron, over 100 of my classmates and I stood flabbergasted on the sidewalk in midtown as three full buses pulled away, taking about 168 Beren students to the *tekes maavar*, the ceremonial transition between Yom Hazikaron and Yom Haatzmaut. It would be a gross understatement to call the lack of transportation for women to this event an oversight. Each of us standing on that sidewalk were hit with the reality that our presence was not important enough to warrant greater funding.

A less tangible, but equally important injustice is how the women are often marginalized in name. Yeshiva College,

Stern College and Sy Syms School of Business for Men and for Women: each of these schools falls under the umbrella of Yeshiva University and should be referred to as such. Referring to Yeshiva College alone as "YU" effectively relegates Stern students compared to their YC peers, treating them as though they are not as essential to YU. While the forum of YU/Stern Confessions Facebook page is a valuable platform, its name ostracizes half the student body.

Though the separation of Stern from YU might seem insignificant, this phrasing actually makes Stern students an "other" in our community. A student who is "other" will not be motivated to have any school pride. A lack of pride drains positivity from the Beren Campus, making it an unpleasant environment to be a part of.

The lack of school spirit on the Beren Campus is often attributed to the many Beren students only spend three years on campus. I believe that the women of the Beren Campus lack spirit because they are constantly reminded that their school — both their fellow students and the institution — has not fully embraced them as active and important members of the student body.

Each member of our institution must make an active effort to change this reality. While many women shuttle to events on Wilf, rarely do men give Beren events the same respect. Men, make an effort to show up to events on Beren Campus. Women, improve our culture by supporting and including one another. Support your classmates by attending the SCDS show or going to a basketball home game at Baruch. YU administration, assess the relative funding of each campus and take steps to fix any inequalities.

In a recent video released by ESPN, female reporters satirize the serious discrimination they face as women in sports. Discrimination is a battle that all women who wish to enter the workforce are forced to face. Unfortunately, my experience at YU has prepared me for these realities of the world. I hope that future female students will find YU to be a more accepting space to find herself before facing the challenges ahead.



1 Commentator weddings

Welcome to the fam, Tali!



2 Goldman Sachs

I guess the video didn't receive enough likes. Torah: 0. Madda: 1.



3 Mention of The Commentator on the Confessions Page!!!

This post was not endorsed by The Commentator staff.



4 Harry Styles takes over SNL

Our 2012 celebrity crush is back and HE'S STILL GOT IT.



5 Caf balances go back up

My semester-long tzom is finally over!



6 Stern student spotted in the Gottesman Library

... before proceeding to be forgotten about forever.



7 YUPAC trip to Washington, D.C.

Wow, these college students sure look young for their age...

7UP
NMODL

by Elisheva Kohn

MACs athletes

So ... do you guys own any real clothes?

Introducing the \$745 Emeco Heritage by Phillipe Starck
aluminum chair, as seen in the caf

A great use of our tuition dollars — plus a fantastic way to blow out our eardrums. Talk about a win-win! (For bonus points, see if you can spot one of these super stylish seats on last week's SNL!)

Quality journalism

Empty pages. So original! *chirp chirp chirp*

Commentator sweaters:

One day. Ani ma'amin.

Censorship

Yeah, I don't think it "makes sense to invite a speaker who has recently been reporting on YU current events" either. Might as well expel all of us while you're at it.

Missing a Commentator meeting

It's an endless black hole, and there is no way of getting back in the loop.

Friendly reminder that the elevators will never be fixed

They use the Commentator stand to indicate that the elevator is broken. Oh, the irony.
Count += 1, Dec 8. 2019



1



2



3



4



5



6



7

Vows

The Commentator Editorial Board extends a Mazal Tov to Managing Editor Yossi Zimilover (SSSB '20) on his marriage to Tali Greenberg (SCW '19)! *Ya'aleh hazivug yafeh veyivnu bayis ne'eman beYisrael.*

ELEVATOR VIOLATIONS,
continued from Front Page

violations at the Schottenstein Residence Hall. Senior Vice President Josh Joseph downplayed the university's violations. "As a large real estate occupier with over 1.8 million square feet and 45 elevators, we occasionally receive violations from the city," he said. "These are typically for non-safety related issues and often only require some paperwork to clear up, which can take the city months to resolve and update in their system."

Last month, a Stern student was reportedly caught in an elevator scare in Stanton Hall as it fell three floors and stopped abruptly. The student pressed the elevator's emergency button, but to no avail. In May, The Observer reported that an elevator in the Brookdale Residence Hall lost control and went into a free-fall, as Shifra Lindenberg (SSSB '20) suffered a concussion. In response, YU Chief Facilities and Administrative Officer Randy Apfelbaum noted that the university's elevators have built-in safety mechanisms to prevent a free-fall.

These two incidents were not the only elevator malfunctions that students have reportedly experienced recently. Rachel Rosenberg (SCW '20) experienced a minor free-fall in a Belfer elevator last month with another student while leaving a Friday class on the Wilf Campus. "It is unclear to me why YU has spent a tremendous amount of money heightening the security when we enter and exit buildings, yet does not spend enough money on the safety of students inside the buildings," she said, noting the university's recent addition of ID card scanners in the lobby of most buildings. "The fact that even one student has gotten stuck or free-fallen in an elevator is bad, but more than one is inexcusable."

Joseph contends that "the safety of our students, staff and faculty is our top priority," and that YU is attentive to the summonses they are issued. "If the city inspector or our own maintenance vendor see a safety issue with either a building or an elevator, we take immediate action," he said. "The fact that the elevators are legally running indicates that the violations are not safety related."

As The Commentator previously reported last year, YU was issued seven fire code violation summonses within an 18-month period, including one summons for "failure to maintain two-way communication capability between the fire command station and elevators" in the Schottenstein Residence Hall. The university has since settled three of the seven violations, according to state court records.

Students were surprised by the amount of building code violations YU has been cited for in recent years. "I know how much the school cares about the students; it's one of the benefits of going to a smaller college," said Eli Azizollahoff (SCW '20). "So for this kind of thing to go unchecked feels like the antithesis of how they want to act towards the student body, especially when it comes to a safety issue."

WILL LEE,
continued from Front Page

served on the original YC faculty board and played an instrumental role in the development of the college's core curriculum.

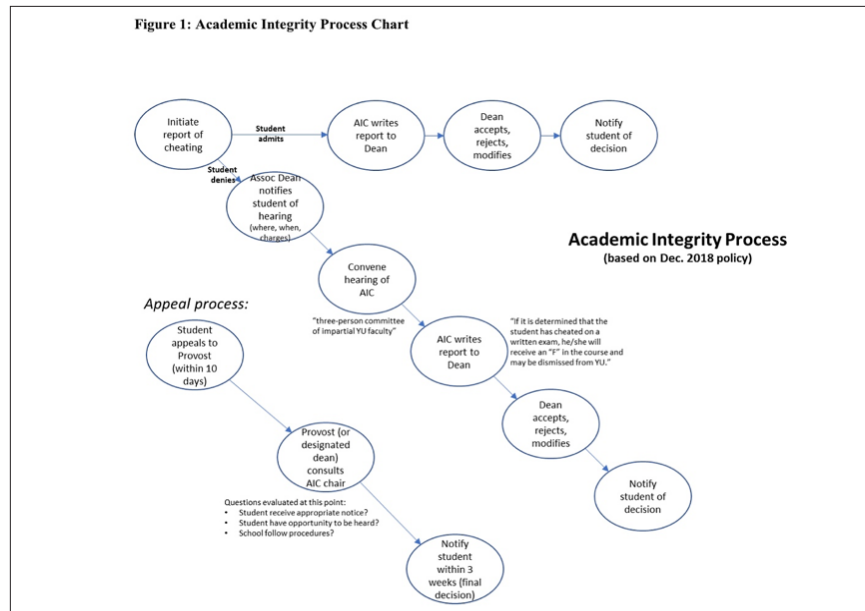
Outside of YU, Dr. Lee has become involved with local history. He has worked on historic preservation in Englewood, NJ and his efforts on historic and cultural restoration won the New Jersey State Senate and General Assembly Citation. Currently, he sits on the Historic Preservation Advisory Committee of Englewood and helps edit a Koren English translation of *Tanakh*.

"I believe that through this event," said Dr. Lee, "Undergraduate teaching and the significance of undergraduate teaching is being honored. The importance of having a faculty that is deeply invested in the university and has high morale is being honored as an idea, and I hope as the future unfolds a reality once again."

*ACADEMIC INTEGRITY,
continued from Front Page*

allegations of student cheating; this caused concern for inconsistent policy application. “Having a single committee,” the deans explained, “will enable us to follow a uniform process for all undergraduates and ensure consistency in outcomes across cases.”

The sequential procedure for addressing cheating is charted below and will continue to be the standard course of action.



Process for academic integrity violations

Composed of representatives from YU’s undergraduate schools, the new AIC will consider all factors before administering a student’s penalty; for example, as noted in the policy, the committee will weigh the violation’s severity, the student’s history with such infringements and the student’s acknowledgment of wrongdoing.

“Yeshiva University has a zero-tolerance policy for unethical behavior,” the draft warns, “to be enforced more strongly than ever before.”

Under these new policies, new preventative measures will be implemented to significantly limit the available opportunities to cheat. During an in-class examination, all personal items should be left by the door, and students should be assigned seating. For non-essay exams, alternative “A and B” versions should be given to adjacent students. Allowable supplies for exams will be limited to ten-button calculators without memory capacity, unless otherwise told by a professor. Once the exam begins, students will be denied bathroom usage until they hand in their tests.

Professors will also be advised to actively proctor exams by periodically walking around the classroom and avoiding cell phone or laptop usage. Additionally, if an exam is given in a classroom with built-in monitoring equipment, that preventive feature should be utilized.

One section of the new, drafted updated academic integrity policies is titled “Exam Formats.” Professors will be advised to create new exams each semester and are cautioned against using test banks. While test banks will still be permitted, new conditions for their usage ask faculty to collect questions from various sources and to not use the course textbook’s question bank.

Traditionally, professors would recycle past exams for new semesters, but they will be encouraged to upload past exams to the YU library, creating a resource for students to utilize when studying. This recommendation will be designed to even the playing field for all students, who would clandestinely pass old exams to new students for studying — colloquially known as “mesorah.” Mesorah has given an advantage to students who receive past course materials, leaving other students to get the brunt of the curve.

The policies will also mandate that any students seeking permission to take make-up exams will only be permitted to do so with documented proof of requisite circumstances. These acceptable excuses include three exams on the same day, death of an immediate family member (including grandparents) and sickness, among other examples.

Faculty will be provided instructions for how to take immediate actions if they have suspicions of cheating. For example, actions like photographing the offense, gathering evidence and removing the student from the room would be suggested.

Issues relating to academic integrity continue to dominate discourse on campus, ultimately resulting in a flurry of policy revisions. Over two years ago, The Commentator reported on the beginning of dialogue between deans and students “to discuss cheating on campus and methods to prevent it in the future.” The last official update of university-wide academic integrity policies were published on Dec. 14, 2018. However, in the spring of 2019, after students came forward with new concerns, the deans felt that YU’s academic environment was falling short of its expected ethical standards; this triggered minor policy updates only for Yeshiva College in April 2019. In light of that inconsistency, YU deans and Provost Selma Botman undertook the task of reforming the academic integrity policies across campus, as described above.

“Stronger academic integrity is in everyone’s interests. It enables us to make a kiddush Hashem,” the deans remarked. “The new policies will remove temptations to compromise on [our] values ... and will hopefully increase the ways in which we can all work together to ensure the utmost integrity within and beyond YU.”

Weiner added, “Discouraging [cheating] and promoting a non-cheating atmosphere on campus when it comes to tests and papers is how we will continue to try and move forward on this issue.”



Glueck Room 308

THE COMMENTATOR

It's a Queens Thing

Earn the Credits You Need This Summer

Summer Session at Queens College

- Four sessions: four, six, or ten weeks
- Earn as many as 15 credits
- Hundreds of undergraduate and graduate classes, including hybrid and online options
- Free on-campus parking permit
- Low-cost on-campus housing available

Visiting Students May Register Now
www.qc.cuny.edu/summer • 718-997-5600

QUEENS COLLEGE **CUNY**

Meal Plan Changes Reverted Following Student Backlash

By ELISHEVA KOHN and JACOB ROSENFELD

This semester’s controversial new Dining Plan was restructured over the weekend of Dec. 1, after several weeks of student outcry. In an email sent out to the student body on Nov. 27, Dean of Students Chaim Nissel announced that the changes will be “retroactive to the beginning of the current semester and both the membership fee and the discounts received, will be reversed.” Almost all students have already seen their balances updated to reflect the change.

In his email, Nissel acknowledged that “the current meal plan is not working for many students” and announced that the administration “decided to revert to the debit system we had in place last year, with the full value of a student’s dining card available for direct purchases in the cafeterias and caf-stores.” As of Dec. 1, the \$675 membership fee for the semester has been redeposited into students’ accounts. In addition, the funds students have saved thus far with the 40% discount have been deducted from their updated balances. Going forward, there will no longer be a 40% discount on items in the cafeteria, but all students have seen an increase in their balance from these changes, due to the reimbursed membership fees. Students were notified of their updated balances via email after the change was made.

The most recent update to the Dining Plan comes after several student-led initiatives protesting the new plan, where many complained that the plan lacked transparency and was taking a toll on their finances. In response to student backlash, “info sessions” were held on both campuses at which university representatives responded to student concerns and discussed possible changes to the plan that would meet students’ needs.

Following the info sessions, several students, chosen by Resident Advisors and student leaders, were invited to participate in a small focus group on Nov. 26 with Nissel, Chief Facilities and Administrative Officer Randy Apfelbaum and Beren Director of Housing Rachel Kraut to discuss the possibility of reversing the controversial changes this year, essentially reverting to last year’s Dining Plan structure. Both “in-towners” and “out-of-towners” were invited to participate in the focus group, which was held on Beren Campus, to ensure that the students represented the different needs of the two groups on campus. According to Apfelbaum, students at the focus group “unanimously voted to go back to last year’s system.”

“At that point,” explained Apfelbaum, “we made the decision to follow the students’ voice.”

With this reversal, students on the Reduced Plan who currently have no “Dining Dollars” left on their meal plan (not including “Flex Dollars”) were credited approximately \$225 to their Caf Cards. This is because these students were credited the \$675 membership fee they were charged at the beginning of the semester but were also charged the difference between the discounted and full prices of all food they had purchased. As Apfelbaum stated at the focus group, “Depending on where you are in your spending, you are either going to get a lot of money back or a little less money back, but everyone is going to see money back.” Apfelbaum and Nissel also emphasized that neither the \$1,500 Reduced Plan nor \$1,750 Standard Plan provides students with enough money to eat three meals a day for 15 weeks (the length of a semester) without adding any additional funds.

According to university officials at the info sessions, the new plan this semester was originally introduced in response to students’ complaints last year regarding money which was not used up by the end of the semester. Small focus groups were held at the time, and students in those groups indicated that they preferred the new plan to the system in place last year. Additionally, university officials maintained that this semester’s plan was preferable because it allowed students greater value when adding money once they had run out. “The initial focus group participants felt that the change in plan would be beneficial to students, so that they could add money as needed,” explained Apfelbaum. “However, once the plan was implemented feedback from students was overwhelming that they preferred last year’s plan.”

Sara Leah Zans (SCW ‘20), who participated in the Nov. 26 focus group, remarked, “I’m happy they’re resorting back to the previous meal plan. But I still think there are a lot of issues that need to be resolved,

and there needs to be a committee for this that is listening to the students on a regular basis. Food isn’t something that should be a luxury; it’s a necessity, and we need a fair plan that pays for what we are buying.”

Akiva Poppers (SSSB ‘22), a vocal participant in the Wilf info session, said, “I am extremely satisfied with the decision to change the caf plan.” Poppers also expressed his gratitude to the people who contributed to the major change in the meal plan. “I am impressed with the abilities of the YU administration to address these problems,” he said.

Some students who added funds to their

Caf Card were upset as they felt that they may have done so unnecessarily. Naama Schwartz (SCW ‘21), a Jewish Education major who had refilled her caf balance prior to Nissel’s email, commented, “I hope and expect that YU offers to refund money already refilled before Dean Nissel’s email concerning the recent changes to the new meal plan. Students were beginning to become concerned with their low balances so there was no choice but to refill.” When reached for comment, Apfelbaum maintained that “only a small number of students have added money to their caf cards. This money can be rolled over to next semester.”

Apfelbaum declined to comment on the impact this change will have on the university’s finances.

Chana Weinberg contributed to this article.





NEVER. STOP. COMMENTATING.

Got something to share?
Email adhirsch@mail.yu.edu

Law Review

The Relationship Between Due Process and Disciplinary Action

By SRULI FRUCHTER

Although the Constitutional outlook on private and public universities varies in many regards, the right of students to due process must be upheld in both types of institutions. Private colleges and universities do not have complete autonomy over the disciplinary actions they take against their students; student suspensions and expulsions cannot be dealt solely from the discretion of a university.

The Fifth Amendment of the Constitution says, on a federal level, that “no person shall be deprived of life, liberty or property without due process of law.” States were later extended this legal obligation when the Fourteenth Amendment was ratified in 1868.

In order to understand the place of due process in universities, generally, we must first understand its relationship with public education institutions, specifically.

In 1975, after students received a 10-day suspension without a hearing from Central High School in Columbus, Ohio, they filed a class-action lawsuit against the Columbia Board of Education and several school administrators. The school’s action was well supported by state law; Ohio Revised Code § 3313.66 allowed the principal to suspend students for 10 days or expel them and required that parents be phoned within 24 hours. It also allowed expulsions to be appealed to the Board of Education, but not suspensions. The plaintiffs argued that by denying them a hearing prior to their suspension, the school had violated their constitutional right of due process — and the court agreed.

In this case of *Goss v. Lopez*, 419 U.S. 565, the United States District Court for the Southern District of Ohio ruled in favor of the plaintiffs and granted them declaratory and injunctive relief because they were “suspended without hearing

prior to suspension or within a reasonable time thereafter.” On appeal by the school, the Supreme Court affirmed the decision that public schools were constitutionally bound to abide by due process when taking disciplinary action.

The Due Process Clause specifically defends a person’s life, liberty, or property. In *Goss v.*

challenges, received two incomplete grades for courses, and was recorded to be behaving in class as “irrational” and “disruptive.” The following January, the academic dean initiated a phone call to discuss Tedeschi’s academic situation, but her mother refused to participate. Soon after, Tedeschi made phone calls harassing her

The New York Court of Appeals, however, reversed the decision of the lower courts, explaining that a private educational institution must abide by its own precepts to suspend a student. Wagner College’s 1976-1977 guidelines stated, “A student may be suspended or expelled from the College by the Dean of Students or the Dean

academic grounds rely on whether the institution acted in good faith or the punishment was arbitrary or irrational.

The opinion of the judges in Tedeschi’s case discussed the complexities of viewing a private college’s relationship to its students more as a contractual agreement, rather than a private institution which is mandated to abide by due process. See *Galiani v. Hofstra Univ.*, 118 A.D.2d 572.

In *Galiani*, the Supreme Court of Nassau County originally annulled Hofstra University’s — a private university — sanctions against a student, and ordered the university to reinstate the student from his suspension. After the student filed for an injunction, the court reviewed and reversed their judgment. The court saw that the student was afforded every right of a disciplinary proceeding, as outlined in Hofstra University’s regulations. Additionally, that suspension was deemed to be under reputable and honest discretion, thereby not arbitrary or capricious. Moreover, the punishment relative to the student’s offense was matched and would not question a sense of fairness. Given those details, the court held the student was not denied his right to due process.

As seen from the courts’ rulings and opinions, due process is a constitutional right well afforded on the college campus. Public universities must abide to stricter guidelines of due process when disciplinary action is taken against students, and private universities must follow the parameters they have registered as university protocol. All in all, if faced with the consequences of your actions by your university — whether public or private — know that your right to due process will not be compromised.

The plaintiffs argued that by denying them a hearing prior to their suspension, the school had violated their constitutional right of due process — and the court agreed.

Lopez, the court decided that the students’ education were considered a property interest and their reputation and integrity qualified as liberty. Therefore, given that students’ property and liberty were being challenged by the Ohio public school’s 10-day suspension, the disciplinary procedure required due process.

The case recognized that institutions of public education — as instruments of the state — must adhere to the due process clause when administering disciplinary actions. *Dixon v. Alabama State Board of Education*, 294 F.2d 150 reached a similar conclusion about public education institutions; the court concluded in 1961 that disciplinary actions taken by a public college against a student must require notice and an opportunity for a hearing.

Those cases did not, however, define the boundaries of a school’s disciplinary protocol that would qualify as sufficient due process. Furthermore, due process as it applies to private colleges was not addressed. Nancy Jean Tedeschi’s suit, in *Tedeschi v. Wagner College*, 49 N.Y.2d 652, against Wagner College, a private institution, lends insight into this relationship.

Enrolling in Wagner College in September of 1976, Tedeschi experienced social and academic

Latin professor, resulting in an oral notification that she was suspended because of “her bad character” and “repeated disruption of her Latin class.” A meeting later took place between her, the academic dean, the dean of students and an assistant to the president of the college. The dean of students later notified Tedeschi that she was being withdrawn from her Spring classes and could reapply in the fall; her Spring tuition was consequently refunded. Her mother admitted in court that she had called the school several times to arrange a hearing, but to no avail.

When Tedeschi sued Wagner College, she asked for an order reinstating her and her damages. The trial court said that no constitutional violation took place and ruled in favor of the college. On appeal, the Appellate Division affirmed that decision. Interestingly, both courts acknowledged the Wagner College’s guidelines which entitle a student facing suspension or expulsion to a hearing from a college court, the right to be heard by the Student-Faculty Hearing Board, and have those findings presented to the president of the college for a final decision. The courts held that Tedeschi had refused several opportunities to “arrange a conference,” and the university was, therefore, within its rights to withdraw her.

of Academic Affairs. If he is suspended or expelled for any cause other than failure in his academic work, and has not had recourse to a hearing before an established College Court, he shall have the right to be heard by the Student-Faculty Hearing Board which shall present its findings to the President of the College for final determination.” Therefore, Wagner College’s failure to suspend and withdraw Tedeschi in accordance with their policy was unconstitutional.

The outcome of *Tedeschi v. Wagner College* has far-reaching implications. It essentially defines the boundaries of due process to be those outlined by the university, binding the administration to their own, self-decided procedures of disciplinary action.

The headnotes of this case differentiated between academic and nonacademic grounds of suspension or expulsion. On nonacademic grounds, it explained, private colleges and universities must adhere to their own procedural guidelines in dealing with disciplinary matters for students. Regarding academic grounds, it becomes a bit more complex. Those matters usually pertain to academic standards which are subject to the discretion of educators, warranting judicial scrutiny. Nevertheless, the court’s determining factors for suspensions or expulsions on



A courtroom

FROM THE ARCHIVES

Editor's Note: In 1993, "Kol," the official literary journal of the Yeshiva College Student Council (YCSC), was confiscated from student mailboxes on the orders of President Norman Lamm, Dean Efreim Nulman and the YCSC president due to the inclusion of "offensive terms" and "sexually explicit references" in the journal. In the following piece, Dr. Will Lee, a longstanding fixture of the English Department who recently retired, offered a response to these events in which he argued for freedom of expression within a university environment. A response, written by Rabbi Aharon Kahn, will be published in a forthcoming issue.

From the Archives (December 8, 1993; Volume 59 Issue 6) — Perspective: Yeshiva, Yes, University, Yes

By DR. WILL LEE

G.K. Chesterton once posited that there's no such thing as a Catholic university. Insofar as it's Catholic, it's not a university. Insofar as it's a university, it's not Catholic. Is there any such thing as Yeshiva University? Yes, but not without controversy and contradiction. As the Rav pointed out long ago, Judaism doesn't obey the law of the excluded middle which serves as the basis in logic of Chesterton's aphoristic insight. Fortunately for us professors in the liberal arts, neither does Yeshiva University.

We're all familiar with formulations of Torah U'Madda which try to exclude part of the middle. Only Madda which facilitates making a living. Only Madda which directly aids halachic learning. Only scientific Madda. In almost all of the formulations which Rabbi Lamm characterizes in *Torah Umadda*, on the other hand, the middle broadens to include liberal arts pursued from within a Torah worldview. In "The Hasidic Model: Madda as Worship," the main contribution he sees himself as making to the dialogue, Torah Jews integrate Madda within a worshipful life.

In *The Idea of a University*, Newman argued that the guiding purpose of higher education is not religious commitment, but knowledge for its own sake, yet his thinking closely parallels Rabbi Lamm's: for a religion-centered person, the university can become a place for pursuing knowledge as worship — including knowledge of the profane as well as the holy. This synthesis of the sacred and the secular is possible because "the subject-matter of knowledge is intimately united in itself, as being the acts and works of the Creator."

In the wake of the confiscation of *Kol* on the basis of vulgar language and sexual content, many students have raised their voices and moved their mice to uphold the central values of the yeshiva — the equivalent in our context of motherhood and apple pie. But only one student has publicly objected to the confiscation, and no one has looked at the controversy explicitly from a university point of view.

Most of us faculty members in the liberal arts would like to believe that we teach in what is not only a real yeshiva but also a real university. If Yeshiva University, the institution we all share, deserves to be called great, it is because most of our students develop religious and moral seriousness at the same time that they learn to think critically within the broad horizons of the real, diverse world we live in. At its best, YU aspires to be both

Page 8

The Commentator

December 8, 1993

PERSPECTIVE: YESHIVA, YES, UNIVERSITY, YES

by Dr. Will Lee

G.K. Chesterton once posited that there's no such thing as a Catholic university. Insofar as it's Catholic, it's not a university. Insofar as it's a university, it's not Catholic. Is there any such thing as Yeshiva University? Yes, but not without controversy and contradiction. As the Rav pointed out long ago, Judaism doesn't obey the law of the excluded middle which serves as the basis in logic of Chesterton's aphoristic insight. Fortunately for us professors in the liberal arts, neither does Yeshiva University.

We're all familiar with formulations of Torah U'Madda which try to exclude part of the middle. Only Madda which facilitates making a living. Only Madda which directly aids halachic learning. Only scientific Madda. In almost all of the formulations which Rabbi Lamm characterizes in *Torah Umadda*, on the other hand, the middle broadens to include liberal arts pursued from within a Torah worldview. In "The Hasidic Model: Madda as Worship," the main

world we live in. At its best, YU aspires to be both infinitely yeshivish and 100% a university. Our founder Dr. Revel studied Hindu philosophy and wrote

"Torah and Madda, yeshiva and university inevitably clash at times because the assumptions behind them fundamentally differ."

on Milton, subjects which some might consider halachically contraindicated. Our current President contributes to the debate on American education in general as well as writing on Jewish education, hasidism and Talmudic law.

The argument that we are fully a

legal limits — the Supreme Court has refused to extend the protection of the first amendment to such cases as libel, the production of a "clear and present danger" (as when someone yells "fire" in a crowded theater), and obscenity. The Court's most significant recent decision on obscenity gives up on establishing guidelines such as "redeeming social value," opting instead to refer to "local community standards." From a rabbi's point of view, those standards spring from the Torah and the Talmud; Rabbi Tendler calls the Torah the "yardstick" by which students must measure everything. From a secular faculty member's point of view, freedom of thought, inquiry, study, speech, and writing weigh in heavily; they help take the measure of a true university.

Most of our students live in both worlds, yeshiva and university, or three worlds counting contemporary society. More precisely, most attempt to live in the Torah world while encountering the university world and resisting

administrators would feel and raised objections to certain passages. Mistakes in judgment are not only inevitable in this university, however, but in a sense desirable. Students who choose wrongly and regret it have internalized their values; those who feel values being imposed upon them from on high may speak and act as if they believe, they may conform, but they aren't necessarily speaking and acting from the heart.

Everyone knows that YU comprises one community with many subcommunities which differ from one another. Many of our students have always inhabited the yeshiva world; others are returning to or finding their way further into religious Judaism. Some highly value secular studies; others put up with them. At the same time that the Jewish religious world has moved to the right, and more of our students have adopted an increasingly stringent orthodoxy, we have reached further out to students who come to us having assimilated more aspects of modern secular life. Between those two extremes,

THE COMMENTATOR

The Commentator archives

infinitely yeshivish and 100% a university. Our founder Dr. Revel studied Hindu philosophy and wrote on Milton, subjects which some might consider halachically contraindicated. Our current president contributes to the debate on American education in general as well as writing on Jewish education, hasidism and Talmudic law.

The argument that we are fully a university hinges partly on state aid due us by virtue of our legal standing as a secular university, and partly on our accreditation and membership in good standing among American universities. No one should lightly dismiss those worldly factors, all of which contribute to our students' admission to respected graduate and professional programs, their being hired for desirable jobs, and their success in the real world after they gradu-

individuals who think for themselves, contribute in some way to society, and participate in the unfettered pursuit of knowledge and truth, including truths about humanity.

Torah and Madda, yeshiva and university inevitably clash at times because the assumptions behind them fundamentally differ. One assumes a hierarchy of rabbinic authority, both in the Talmud and in the yeshiva, under God; the other assumes democracy. One assumes freedom only within halachic boundaries; the other assumes total freedom of thought and virtually total freedom of expression, with only a few legal limits — the Supreme Court has refused to extend the protection of the First Amendment to such cases as libel, the production of a "clear and present danger" (as when someone yells "fire" in

freedom of thought, inquiry, study, speech, and writing weigh in heavily; they help take the measure of a true university.

Most of our students live in both worlds, yeshiva and university, or three worlds counting contemporary society. More precisely, most attempt to live in the Torah world while encountering the university world and resisting contemporary moral corruptions. As President

A university exists to consider truths based on various fields and divergent viewpoints, not to remain inoffensive.

Lamm was paraphrased in your November 9 issue, "a Jew should learn the ideals of the Western World uncensored in order to be able to say that he rejects those values but he understands them." Studying, understanding, even empathizing is not the same as accepting or believing.

Through students' eyes, I can see some objections to *Kol* which deserve to be taken seriously. The editors' disclaimer states that the "language and subject matter which some readers may find objectionable ... appear in the voices of personae and do not necessarily represent the views of the authors or the Board." Perhaps, given the loaded material, they should have added "and certainly in no way represent the views or the values of Yeshiva University." Perhaps the disclaimer should have appeared in a more prominent position, like the

mailboxes, thereby pushing it under the nostrils of many students who found it repugnant. Perhaps they should have asked the authors whether it would be possible to change the obscene language without compromising "artistic intent and integrity." Perhaps the authors should have changed the language without being asked. Perhaps the faculty advisors, including me, should have realized how certain students and administrators would feel and raised objections to certain passages. Mistakes in judgment are not only inevitable in this university, however, but in a sense desirable. Students who choose wrongly and regret it have internalized their values; those who feel values being imposed upon them from on high may speak and act as if they believe, but they aren't necessarily speaking

Continued on Page 9

Torah and Madda, yeshiva and university inevitably clash at times because the assumptions behind them fundamentally differ.

ate. Our modern world believes deeply in credentials. But for me, those factors carry little persuasive power compared to the values which underlie the modern university as an institution. Although not nearly as ancient as the Jewish tradition, the university draws on its own ancient roots and adheres to ideals which it has evolved over centuries. Foremost among those ideals in the modern American university are the development of

a crowded theater), and obscenity. The Court's most significant recent decision on obscenity gives up on establishing guidelines such as "redeeming social value," opting instead to refer to "local community standards." From a rabbi's point of view, those standards spring from the Torah and the Talmud; Rabbi Tendler calls the Torah the "yardstick" by which students must measure everything. From a secular faculty member's point of view,

FROM THE ARCHIVES,
continued from Page 8

and acting from the heart.

Everyone knows that YU comprises one community with many subcommunities which differ from one another. Many of our students have always inhabited the yeshiva world; others are returning to or finding their way further unto religious Judaism. Some highly value secular studies; others put up with them. At the same time that the Jewish religious world has moved to the right, and more of our students have adopted an increasingly stringent orthodoxy, we have reached further out to students who come to us having assimilated more aspects of modern secular life. Between those two extremes, modern orthodoxy has come under more strain and has had more trouble centering itself. But all our students are members in good standing of the overall community, so that no subcommunity, however sincere, should suppress the feelings and opinions of another.

Mr. Wittenberf wonders whether I am still sensitive to students' religious feelings and beliefs. I hope so, but not at the expense of the university ideals which I wholeheartedly represent. When I devoted several freshman composition classes to the controversy over *Kol*, I allowed students who objected to hearing the offending language and content described to leave the room for a few minutes, becoming in effect conscientious objectors. At the same time I gave every student the full opportunity to express his views, and I did not back away from any fact, truth, or argument. A university exists to consider truths based on various fields and divergent viewpoints, not to remain inoffensive. The same is true of literature. *Kol* is a literary magazine, not a shiur.

Defenders of academic freedom and freedom of expression make two points again and again. First, the university must serve as a haven for difficult ideas and words which may offend some or even most of its members. Further, if you suppress one person's opinion today, yours may be suppressed tomorrow. For the sake of a religious atmosphere, however desirable, do we want language police to exercise power over what we say? First it's language; then ideas. *Kol* today; Darwin tomorrow; insufficiently stringent Judaism the next. Suppressing everything objectionable would amount to a system of ghetto walls erected in a vain attempt to enclose the intellect and the imagination as well as the words and actions which flow from them.

It is worth remembering that what deeply offends some people may not bother others unduly. From my informal discussions, it is clear that many students take four-letter words and sexual content more in stride than many administrators and faculty members do. This desensitization has some positive consequences. Language which might have triggered the "evil inclination" in a student of the

forties, and which that same student might have found viscerally offensive, might carry no sexual charge for most students today. Torah values may not change, but Torah U'Madda does because Madda does. All of our administrators strike me as extremely proper in speech and behavior. I'm sure they find foul language genuinely disgusting. These administrators can serve as credible role models for many of our students. But for other students, a generation gap undoubtedly exists without necessarily implying a gap in basic Torah values. A great deal depends on intent, attitude, and context. While the editors of *Kol* realized that some might find the language and content "objectionable," I suspect they didn't realize how deeply it would disgust some of their peers as well as some older members of the university.

Even if you feel that preserving a religious atmosphere justifies setting limits on students' self-expression, at least in student publications, you should find it difficult to defend the "procedures" which led up to the confiscation of *Kol*, according to uncontradicted

offended by the passages. Nor, for that matter, was the full Student Council. For these authoritarian purposes, the Council President's authority was deemed sufficient. What on earth was the rush to judgment? Why the panic, especially since many students had already received their copies of *Kol* and readily lent them to other students who wondered about the basis of all the fuss.

Dean Nulman tells me one of his main concerns was what the students wanted. But which students? Do we really want a few students to act as language vigilantes whenever they feel offended? In listening to a select group of students under a fair amount of pressure and aware that President Lamm found the language offensive, Dean Nulman and the other decision makers abrogated the rights of the editors, writers, and many potential readers. The decision makers diminished YU as a university while not necessarily enhancing it as a yeshiva in which students sincerely and voluntarily commit themselves to Judaism. In effect, a few students spoke for all students, one wrote for all students, and the yeshiva

The decision makers diminished YU as a university while not necessarily enhancing it as a yeshiva in which students sincerely and voluntarily commit themselves to Judaism.

reports in *The Commentator* and unpublished accounts by participants in the key meeting. Two students, having seen a copy of *Kol*, feel quite upset and rush over to the Dean of Students' Office. The university lawyers, consulted by phone, evidently advise that YU as the private college publisher has the legal right to withdraw *Kol* from publication, and further, that the head of the university organization that sponsored and paid for it could act on the university's behalf. (As I understand it, so could the Board of Trustees, President Lamm, or any other administrator acting on the authority of the President or the Board.) President Lamm, consulted by phone, hears passages from two stories and finds them offensive. The Student Council President is pulled out in the middle of class. He finds the passages disgusting and, on the behalf of the elected Student Council and the student body whom the Council represents, signs a letter authorizing the confiscation. Agents fan out over the campus and remove remaining copies from mailboxes and stacks from the dorms. The whole process takes less than two hours. Done.

It should be obvious on the face of things how hastily and summarily these *ad hoc* actions took place. A few individuals, key individuals, to be sure, acted on behalf of the yeshiva. I say the yeshiva because they certainly didn't act on behalf of the university. I don't believe Dr. Schwartz, the academic vice president, learned until later about the chain of events. Nor were the faculty advisers or the Chair of the English Department consulted, or even informed. Nor were the putative offenders, the editors and two of the authors of *Kol*. Nor were any students who were likely not to be

spoke for the university.

Why do I feel students who wish to deserve the opportunity to read "Smiling John," the prize-winning story by Howard Katz and one of the better stories to which we have given awards over the past ten years? After all, the main character *thinks* the d-word twice, once as a past participle, and the b-word denoting illegitimacy, again twice. All four he thinks angrily. A secondary character, a cripple, utters harder core vulgarisms referring to sexual acts and parts, refers to homosexuality in prisons, and rather euphemistically and briefly describes the beginning of a truncated nonmarital encounter between him and two women. This out-of-context summary of foul language and sexual content would, I trust, give no one a good reason for reading the story. The decision makers, most of whom, I ironically note, read or heard selected passages, needed to hear no more. But in fact, the story has a great deal to offer. Mr. Katz portrays the main foul-mouth as a coarse, desensitized, opportunistic, thoroughly despicable character. Later, in the climax of the story, he turns out to be a murderer, a suicide, and a sadist who plots to hold the main character responsible for his horrible crimes. In fact, his language functions like a neon sign confirming his contemptible nature, morality, and actions. But the story focuses mainly on "Smiling John," the title character whose smile serves as a shield and a mask. Inside he is angry at his work, his supervisor, and the world, and his mind spins out half-mad fantasies. Outside he smiles and remains passive, a perfect patsy and victim incapable of escaping the cripple's deadly conspiracy because he accepts

events, no matter how bizarre, as they unroll. Mr. Katz did not station himself with a megaphone in the center of the *Beit Midrash* and begin uttering obscenities. He created two believable characters, one of whom is guilty of a world view so profane and obscene that we are *supposed* to find him disgusting, within a story which evokes visceral as well as intellectual responses. As sidelights, the story conveys insights into futile attempts to control nature, children's witting and unwitting cruelty to those who appear deformed or handicapped in some way, and twisted relationships among unreasonable bosses, worthless work, and powerless employees. Overall, it is a moral story precisely because it creates one repulsive, profoundly immoral character who transforms susceptible people into victims.

Do we want to argue that no student of ours can imagine or understand a profoundly immoral character? Or if he does, he shouldn't portray that character in fiction? Or if he does, he must portray that character's speech without using vulgar language? Or, if he uses vulgar language, he can

forget about submitting the story to a literary magazine sponsored by the English Department as well as the Student Council? I respect Mr. Wittenberg's decision as an orthodox Jewish writer never to use curse words; it self-evidently rises from his sense of personal integrity and his religious convictions. But he himself recognizes that his decision implies that he must censor himself. He cannot write about certain types of characters, or if he does, he must paraphrase them. So he cannot write the full truth about the world; he is building walls beyond which he will not allow his imagination to range. All of which is admirable from a religious if not from a literary perspective. But does he want to impose on all other YU students and all other orthodox Jewish writers the obligation to choose the same way? Does he want to say that Howard Katz is a bad Jew for choosing differently? Or I'm a bad faculty member for not respecting the most yeshivish students' opinions so much that I should censor other students and my own actions as a faculty member in a university?

I find "Ruminations of an Ex-Boyfriend; or, The Night God Called," the story by that famous YC student author, Anonymous, not only literarily rough but harder to defend on moral grounds. The main character, who had grudgingly agreed with his girlfriend's preference to wait for marriage before being jilted by her soon after that, receives a phone call in which she wants sympathy after having slept with and been left by another man. Bitter at her outrageous insensitivity, he thinks satiric, foul words and finally hangs up on her after uttering a vulgar expletive. If I were a halachic Jew,

I'm sure I would have trouble with the casual attitude toward religion and sexuality as well as the vulgar language, not to mention the unveiled implication that YC serves as the backdrop for these halachically impermissible events. Allowing for the certainty that the narrator's ironic habit of mind serves as a defense against feelings that hurt him and the possibility that his blasphemous phrases mask some deep-seated doubts about the justice of the universe, the story essentially skates on the surface with too few signals of deeper issues and meanings. But I would still defend the story because the author pursued one piece of the truth in creating a credible slice of the life of a confused, emotionally immature narrator.

Neither story initiates a Yeshiva Free Speech movement reminiscent of Berkeley in the sixties. Neither carries the slightest erotic charge. Each represents a credible, limited use of vulgar language and sexually loaded but not explicitly sexual material in the mouths and minds of characters. Each is honest in its own way.

Arguably, *Kol* falls under the Student Council budget, and under the Dean of Students' authority, and under the power of a private college to regulate student behavior. In that sense YU probably had the right, technically and legally, to do what it did. But that doesn't mean the decision was wise, or just, or courageous, or thoroughly deliberated, or thoroughly justifiable, or that in similar circumstances the same thing should happen. Different student activities, clubs, and publications occupy different locations on the spectrum between yeshiva and university. Some, like the J.P. Dunner Political Science Society and the pre-med journal, primarily complement the academic programs of the university while simultaneously serving as a social purpose. Others, like *Hamevaser* and Dorm Talks, complement the various Jewish Studies programs. Clearly, *Kol* falls squarely on the university side of that spectrum. It's sponsored by the English Department, which provides a faculty advisor — in this case, two. It's tied to the English Honor Society, a university-oriented student activity. It contains stories and poems just as the *Norton Anthology of English Literature* does; its very reason for being is to give students an opportunity to publish works in the arts. In the case of at least one past issue, the Dean of the College provided part of the money for its publication. If academic freedom and freedom of expression protect the classroom only, not complementary educational activities and publications, ours is at best a minimalist, truncated university.

Should *Kol* cease to be a university publication? Should it move into the yeshiva under explicit, binding halachic supervision? If so, no advisor who has not at least received *s'micha* could pass judgment on what to select or how to edit a story or poem, the editing would have nothing to do with artistic value, and most English

Continued on Page 10

FROM THE ARCHIVES,
continued from Page 9

Department faculty members would find it impossible to participate in the process. Would a frustrated minority of students then organize their own *samizdat* in order to express themselves freely to their fellow members of the creative underground?

If the confiscation of *Kol* is discouraging students from speaking and writing their minds, a “chill” is blowing across the landscape of YU in a way that’s quite different from the self-censorship which might have resulted from openly and passionately arguing that student writers and editors showed bad judgment or diverged from Torah values. A healthy university welcomes controversies. Surely President Lamm, *roshei yeshiva*, the Dean of Students, the Student Council, groups of students, *Hamevaser*, or all of the above

could have come out with public statements deploring the offensive language and content and making it abundantly clear that they did not reflect the values of the institution. Rather than raiding students’ mailboxes, administrators could have called on students to boycott the offending stories. Meanwhile, the English Honor Society could have quietly circulated the word that students who wished to, including the authors, could pick up copies at the Library or some other location dedicated to freedom of inquiry.

Whatever decision an administrator makes in a case like this, he or she is going to offend some members of YU and of the broader community. *Kol* deeply disturbed some students; its confiscation deeply disturbed others. All these students’ feelings and opinions deserve respect. Meanwhile, administrators must worry not only about religious values but also

about prospective students, their parents, and their relatives, potential donors to YU, and journalistic sharks who love opportunities to attack us and identify us with corrupt modern values. At stake are our enrollments, our financial strength, and our reputation inside and outside the Jewish world. The Martilla and Kiley survey indicated that key constituencies look for a yeshiva atmosphere; at the same time, many members of the larger community look for a genuine university which represents academic excellence and integrity. In a “both/and” institution, it’s difficult to judge the religious, educational, and practical consequences of any “either/or” decision.

If YU rejects censorship and suppression in the future, given the inevitability of conflicts between yeshiva and university, and given that students, like faculty and administrators, are not infallible, what protects YU against

intellectual, emotional, and spiritual dangers? In 1986, the YC *ad hoc* Committee on Academic Freedom, consisting of five liberal arts faculty members including two rabbis, placed its trust in four factors, each of them connected in some central way with education in the broad sense. First, the responsible self-government of each member of the university community. Second, the process of consulting with other members of the community — not to be told what to think or do or write but to reach judicious decisions. Third, the inevitability of controversy at YU and at other universities, giving everyone access to various strongly held, strongly expressed viewpoints. And finally, the prerogative of conscientious objection should some event or practice prove problematic on *halachic* or other religious grounds. None of these safeguards is a quick fix or guarantee, but together, they provide firm ground on which we

can all engage in the complex interactions of freedom and moral responsibility which constitute our university at its best.

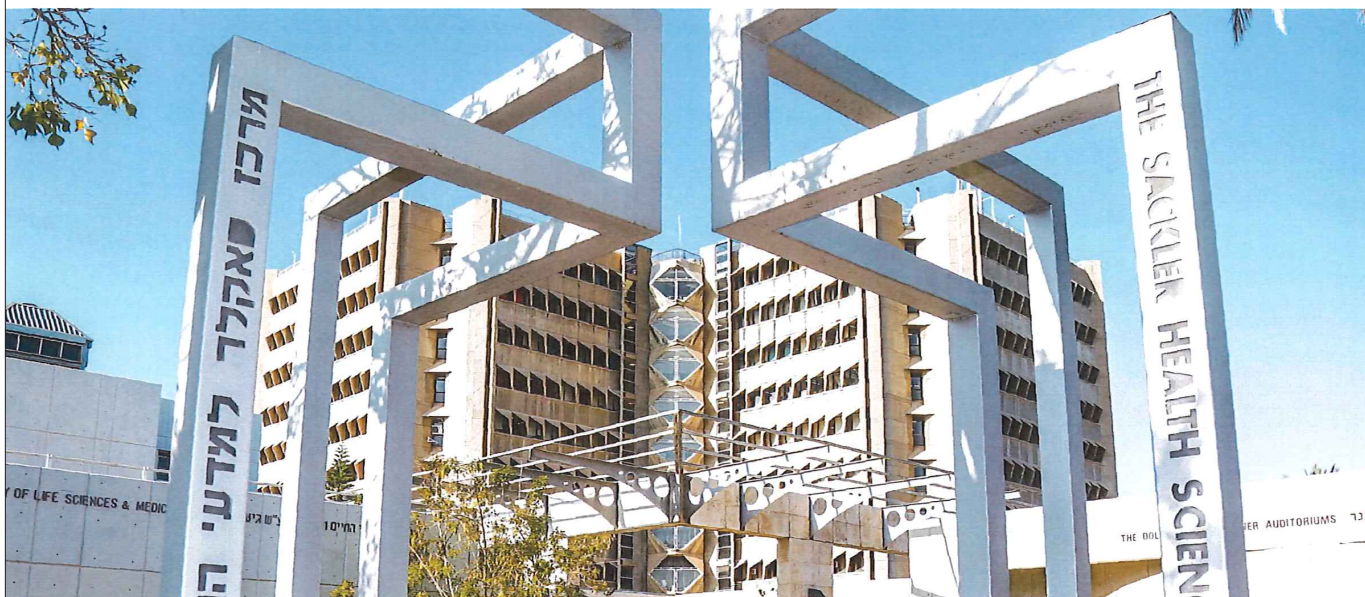
I’ve written this essay for four main reasons: to argue that YU should allow students the maximum possible freedom of expression while relying on halachic standards to evaluate and wherever necessary criticize what they express; to object to the *ad hoc*, hasty non-procedures which led up to the confiscation and censorship of *Kol*; to defend student editors and authors who acted with integrity and in good faith; and to express my own conviction that the greatness and uniqueness of Yeshiva University derive from our struggling to inhabit simultaneously the world of the yeshiva and the world of the modern American university.

Dr. Lee is an Assistant Professor of English at Yeshiva College



Tel Aviv University Sackler School of Medicine

New York State/American Program



The **Tel Aviv University Sackler School of Medicine-New York State/American Program** offers an outstanding four year medical school curriculum, taught in English, leading to the M.D. degree. The Program is chartered by the Regents of the University of the State of New York and is accredited by the State of Israel.

Students do their clerkships and electives in hospitals in Israel, U.S. and Canada. One of these hospitals, Sheba Medical Center, was selected by Newsweek magazine as one of the top 10 hospitals around the world.

Graduates participate in the National Resident Matching Program and return to the United States for their residency training. **The 2019 graduating class had a 100% match rate!** Since its commencement in 1976, over 2,000 alumni have completed their residency training at the most distinguished hospitals in the United States and Canada.

Applications for the class of 2024 are available on our website.

www.sacklerschool.org provides extensive information about Sackler SOM

For further information, e-mail sacklermed@sacklermed.org



Ezras Nashim EMTs training

EZRAS NASHIM

Saving Lives at Stern

By YITZCHAK CARROLL

A cadre of trained first responders have been providing emergency medical care to their fellow students at Stern College for Women. Ezras Nashim, an all-female emergency medical services agency, has had an active branch on the Beren Campus since April 2019.

The group's state-certified emergency medical technicians respond to calls at all hours of the day throughout the week on the Beren Campus. Comprised entirely of Beren students, volunteers serve in 12-hour shifts, on which they may respond to anywhere from zero to 10 calls.

Though the Stern chapter is affiliated with the Brooklyn-based central command of Ezras Nashim, it raises its own funds and holds its own training drills to ensure its members are well-prepared to respond to emergencies. Founded by Judge Rachel "Ruchie" Freier in 2011 in response to the lack of female EMTs in Hatzalah Volunteer Ambulance Corps, Ezras Nashim began in Brooklyn and has since branched out to Monsey and the Five Towns.

Ailin Elyasi (SCW '20) serves as the group's coordinator. Elyasi initially volunteered for Ezras Nashim's central branch, and after seeing a need for the service at Stern, she approached Freier with the idea of starting a Stern chapter of the agency. "She was immediately on board, and the plan was set in motion," Elyasi said.

As a practicing EMT, students approached

Elyasi with health problems, unsure of whether to go to the hospital. "When my friends started approaching me asking if anyone had a blood pressure cuff, I knew something was seriously lacking on campus," she said. "At night, and during weekends, there were no medical staff to help girls who needed even light medical attention, such as a routine checkup ordered by a doctor, or just some help for stomach pain or a headache."

YU security guards on the Beren Campus are trained to call Ezras Nashim's central emergency line in the event of an emergency. An Ezras Nashim dispatcher then alerts members — including a senior EMT to oversee the call — to respond and pick up one of several "jump bags" stocked with lifesaving

the Beren Campus, students experiencing medical emergencies would have to wait upwards of 10 minutes for a city ambulance to arrive. "There was a serious lack of immediate medical care available to the Stern Campus," said Elianna Ashendorf (SCW '23), Ezras Nashim's training coordinator, noting that Ezras Nashim's average response time on the Beren Campus is under two minutes.

Ashendorf, who also serves as an EMT with the Bergenfield Volunteer Ambulance Corps, cited the benefits of being cared for by peers in an emergency situation. "Sometimes seeing a friend or a fellow student can be calming and more relaxing in a time of stress than having a team of random EMS responders from the city," she said.

"The feeling of seeing a girl who needs help and then being able to provide her with the care she needs is indescribable."

Ailin Elyasi (SCW '20), Stern Ezras Nashim Coordinator

equipment, located strategically throughout campus buildings. Working as a team, the Ezras Nashim EMTs stabilize the patient and call for an ambulance to transport to a hospital, if needed.

Concerning medical issues, Elyasi urges fellow students to be safe rather than sorry. "People can call us with an obvious emergency, or with any medical questions they have. If anyone is unsure of whether or not to call, it is better to call."

Prior to the arrival of Ezras Nashim on

Tamar Schwartz (SCW '20), Ezras Nashim's logistical coordinator and a founding member of the Beren group noted how Ezras Nashim EMTs are bound by privacy laws and that fellow students should not hesitate to call for help. "We will not share any information that came up during a patient interaction, either to the school, or to the friends or roommates of a patient," she said. "Your privacy is one of our top priorities."

The group is actively seeking new members in both emergency care and support

roles, both of which are equally essential to the agency's operation. Currently, nearly 20 Stern students volunteer for Ezras Nashim as emergency responders. Ezras Nashim provides state-issued vouchers to defray the cost of an EMT course for new volunteers. In addition to the 150-hour initial certification course, members constantly train to hone their skills. "It's not easy being an emergency responder, but it definitely is worth it," Elyasi said, noting the significant time commitment involved for volunteers.

Moving forward, the group plans to raise further awareness of their work and run first-aid events for the general campus community, Schwartz said. "We are proud to call ourselves members of Ezras Nashim," Elyasi said. "We are also the first Ezras Nashim branch and are assisting in the formation of new Ezras Nashim branches."

Above all, the satisfaction of helping a fellow member of the YU community in an emergency motivates Ezras Nashim's members to invest their time and efforts. "There are not enough words to describe what it means to treat a person in need," Elyasi said. "The feeling of seeing a girl who needs help and then being able to provide her with the care she needs is indescribable."

Elyasi cited the efforts of Dean of Students Chaim Nissel and Beren Housing Director Rachel Kraut-Sivorinovsky in the group's formation. Nissel lauded the agency's lifesaving work and role on campus. "We are confident that when we do need them, Ezras Nashim will continue to provide prompt, sensitive and quality medical interventions," he said.

Bioethics in Practice

May Physicians Lie to Patients?

By ISAAC POMERANCE

As a kid, my father constantly spoke to me about the power of truth. He stressed that throughout life, I, along with all my peers, would be challenged in our goal to lead lives of truth, regardless of whatever field or profession we would all enter. His belief was that without working on and perfecting my commitment to truth, I would struggle when challenged with a daunting obstacle, such as a massive monetary gain or loss.

Yet, there are many times throughout life where we encounter situations that require us to either withhold some of the truth or even slightly deceive people. In healthcare, many doctors and other health care professionals are constantly faced with difficult situations where they need to decide whether to withhold information from — or even possibly deceive — patients. These situations are subject to much debate among

medical ethicists.

Fundamentally, truth has always been viewed and treated as the best policy for doctor-patient interactions. A normal patient has the autonomous power to make each decision regarding their preferred treatment, and it would only be fair for the patient to be able to choose what to do when offered the truth from the health professional. This policy is even required by The American Medical Association, which states that: “A physician shall . . . be honest in all professional interactions and strive to report physicians . . . engaging in fraud or deception, to appropriate entities.” Yet, there are many medical ethicists who argue that there are times when physicians and other health professionals need to use their discretion to sometimes withhold information or even lie to the patient as a means of saving the patient from serious harm and pain.

Professor Daniel K. Sokol, a famous medical ethicist, is a champion of this belief. He believes that

in rare instances, it is beneficial for the physician to withhold information from the patient. He created a “deception flowchart,” which lays out his requisite rules for when he believes that a health profes-

to keep the physician’s moral code balanced. In addition, he argues that the physician needs to feel comfortable defending his or her decision in a court of law and explain how this specific action would

In healthcare, many doctors and other health care professionals are constantly faced with difficult situations where they need to decide whether to withhold information from or even possibly deceive patients.

sional, specifically a doctor, should deceive a patient. His flowchart leads a physician to lie to the patient when the patient is saved from psychological pain, while also possibly preserving life or giving the patient long-term autonomy. He argues that in these rare cases, the compassion of the doctor should overrule the strict code of honesty that each physician is required to uphold. As part of his flowchart, he also adds many “safety checks,”

not erode the patient-physician relationship. However, he acknowledges that the most difficult factor in a physician’s decision process is time, as frequently the physician does not have time to consult a flowchart before deciding what to tell the patient.

Yet, many other ethicists argue that truth must always be upheld. They view truth as one of the core pillars that the health field relies upon to properly function. They

argue that patients are privileged to make informed decisions and that they would be unable to do so if doctors were to breach the patient’s trust, even in a situation where the doctor feels that it is morally correct to do so. In addition, even if the physician was justified in lying, these ethicists believe that the patient-physician relationship would deteriorate too much and that no single situation should cause such harm to the relationship that is at the core of all healthcare.

However, while medical ethicists argue whether truth should be withheld from normal patients, many ethicists agree that when dealing with patients with cognitive defects, physicians can lie or withhold information.

For whatever field we all decide to pursue, we will be tested with challenges to our moral character and code. I hope that we are ready when these tests are thrown our way.



A stethoscope

‘A Stranger and a Resident I Am Amongst You’

By RABBI JEREMY WIEDER

Editor's Note: The following is an edited transcription of a speech given by Rabbi Jeremy Wieder in the Glueck Beit Midrash on Tuesday, Nov. 26.

In last week's *parsha* we read how Avraham Avinu said to the Bnei Heit (Hittites): *Ger veToshav Anokhi Immakhem* — A stranger and resident I am amongst you.

Rav Soloveitchik famously commented about this: “Abraham lived among various people of divergent faiths. When he negotiated with the sons of Heth (of the Hittites) for a burial plot for his wife Sarah, he defined his status: ‘I am a stranger [immigrant] and a resident among you’ (Gen 23:4). He was basically declaring that the sectarian faith he was propounding did not preclude his commitment to further the welfare of the general society.” (Reflections of the Rav II, pp.74-75)

Perhaps the greatest challenge any *ben* or *bas-Torah* in our community faces is attempting to navigate the balance of *Ger veToshav* — when are we part of the broader society and when are we apart. And when we speak of this dilemma, I am not speaking about issues of *halakhah*. *Halakhah* by its nature is mostly clear and immutable. It may change in its application to a different reality, and perhaps even shift slowly, almost imperceptibly, over very long periods of time. There may be a shift from one approach to another within the *halakhic* tradition based upon changing circumstances, but fundamentally *halakhah* is immutable and, at least in broad strokes, clear.

Instead, what I speak of here are what we would term “Torah values;” what might best be described as the broader picture that the details of *halakhah* paint. If the various *halakhot* consist of all of the trees in the forest, then “Torah values” would be what one sees when stepping back and gazing at the bigger picture; it is not merely a collection of individual trees, but a magnificent, verdant forest — the intertwining of the branches of various trees, as well as the magnificent rays of light that shine through the gaps.

In a somewhat famous teshuva, the *Noda beYehudah* (R. Ezekiel Landau of Prague) was asked about a Jew who had become wealthy and had acquired significant land-holdings including wild forests and had

expressed an interest in hunting for sport, inquiring of the *Noda beYehudah* regarding its permissibility. After initially dismissing the relevance of a few possible *halakhic* prohibitions, the *Noda beYehudah* states: “I am extremely puzzled over the essence of the matter, as we do not find hunting men except for Nimrod and Esau; this is not the manner of the children of Abraham, Isaac and Jacob.”

He expresses his astonishment that any Jew would even consider hunting. Who hunts? Esau and Nimrod. But what is the prohibition? Apparently, this Jew couldn't see the forest for his own forest.

The *Yerushalmi* tells the story of Shimon b. Shetah who used to earn his living by working with flax, a very unpleasant profession. His students came to him and suggested that he shouldn't have to work so hard. They suggested that they would buy him a donkey, and he could be the equivalent in those days of a contemporary short-haul driver. He assented and they went and bought him a donkey. When they returned with the donkey they informed him that not only would he not have to work hard, he wouldn't have to work at all because apparently the donkey they had bought came with a precious diamond hanging on its neck. Shimon b. Shetah asked them, “Did the donkey's owner know?” They answered in the negative, at which point he

century), where he tells us that he preached to the Jewish Diaspora in Christian lands that even though the *halakhah* technically permits keeping a non-Jew's lost object, the reason why the Jewish nation is still in exile is because they partake of this technical permission and other similarly dishonest behaviors, and as a result, if God were to redeem the Jewish people, the nations of the world would challenge God as to how He could choose for His lot a nation of thieves and sneaks. Once again, it is easy to miss the forest for the trees.

But as easy as it may be to miss the forest when it comes to matters that are essentially driven by the internal dynamics of the *halakhic* system, a greater danger arises when there are values that are buffeting us from the broader culture. The Midrash in *Eikha Rabbah* (#2) tells us: “If a person tells you that there is *hokhmah* (wisdom) amongst the nations, believe it; that there is Torah amongst the nations, do not believe it.”

Hokhmah is science, in its broadest sense — including both the natural and social sciences. It is descriptive in nature. Torah is “instruction” as to how we ought to behave, a system of laws and values, *prescriptive* in nature. We can learn our science from foreign cultures — but with respect to our values, “Amongst the nations, there is no Torah”. (Lam. 2:9)

A Torah Jew should not, in his or her core, be a card-carrying Democrat or Republican; he or she should view him or herself as a member of the party of the Ribbono shel Olam.

told them to return it. His students said, “But Rebbe, even the opinion who says that the theft of a non-Jew is prohibited agrees that his lost object is permitted (i.e. may be kept)?” He turned to them and said, “Do you think that Shimon b. Shetah is a *barbaron* (barbarian)? Shimon b. Shetah would much prefer to hear ‘blessed is the God of the Jews’ than any reward in this world.”

Shimon b. Shetah's students knew the *halakhah* quite well — and yet they were unable to intuit the Torah's broader message. The law may draw the line in a particular place, and may assign property one way or the other, but the Torah demands from us a broader ethic and ethos. This idea is famously captured in the related comments of the *Semag* (R. Moshe of Coucy, 13th

I want to be explicitly clear here about two points, both of whose essence I have tried to hammer into my students over the last several years:

1) Determining what are “Torah values” is not always a simple matter. Of course in many areas the broad strokes are fairly clear — about this we should not deceive ourselves — but there are situations where there is genuine ambiguity. Take, for example, the Torah's attitude towards capital punishment. The Torah prescribes the death penalty for many *aveirot* (sins) and the *peshat* (simple-sense) reading of Torah [Scripture] does not evince any principled reservations. And yet R. Akiva and R. Tarfon (mMakkot 1:10) asserted that had *they* been around during the historical era during which the death

penalty was still administrable, they would have ensured that nobody was ever executed (utilizing arcane procedural technicalities) — it is unclear, though, whether their opposition was philosophical or only practical, i.e. concern for convicting the innocent.

On the other hand:

2) When the Torah's perspective is clear and clearly in conflict with some other value system, there is only one acceptable choice for an *eved hashem* (servant of God): he or she chooses Torah. One cannot be *poseah al shtei ha-se'ifim* (stand on both sides of the divide) — you choose to identify as one thing or another, but *kil'ayim* (admixtures) are prohibited according to the Torah. Choosing the non-Torah value system is fundamentally a form of ideological idolatry. In its essence, it entails fashioning God in the image of humans, rather than humans being formed in the image of God. One gets to choose the altar on which one worships, but one should be honest about which altar that is.

Within these foreign challenges there are two different kinds — the first and more obvious, which I do not wish to focus on, are the “hot-button” issues. These are crucial issues in our community and it is essential that our approach in these areas be formed and informed by the Torah and its values — and so often they are not; but they are not what I wish to focus on now.

There is another kind of challenge, in which we adopt the values of surrounding society — and we typically do so unthinkingly. Some of these values are reflected in the way that we live our lives, and others are reflected in the positions we adopt and advocate for, or at least profess to believe in.

One example of this would be the materialism and consumerism which defines so much of our society. If you are not sure about this, recall that after the events of 9/11, then-President Bush told our country that the way to respond was to go shopping. Of course, what he really saying was “carry on as normal,” but the fact that a significant part of the way one would define “normal” was “shopping,” was telling of what so much of our culture has become. You can go to the mall because you need a number of different things and you have all of these stores in close proximity so it is a more efficient use of your time, or you can go there to hang out all day and shop for the things you never

Continued on Page 14



The Glueck Beit Midrash

STRANGER AND RESIDENT,
continued from Page 13

even knew that you needed — these are two very different kinds of activities. Clearly, *Hoshen Mishpat* delineates the permissible and the forbidden in our financial dealings, but once one has cleared its bar and then the bar of *Hilkhot Tzedakah* (laws of charity) in *Yoreh Deah*, everything else is technically permitted. But a Torah Jew should aspire to something more. We aspire to expand the *gavra* not increase the number of *heftzas*.

This kind of a values-challenge is problematic, but at least no one, presumably, would defend this from an ideological perspective.

But there is another area of values conflict and confusion which I find to be extremely disturbing, and that is in the intersection of religion and politics. I understand that we have both College Democrats and College Republicans chapters on our campus. To be honest, I don't understand why. Don't get me wrong — I can readily understand why a Torah Jew might choose to vote Democrat and why a Torah Jew might choose to vote Republican. But I do have concerns about a Torah Jew perceiving his or her core identity as either a Democrat or Republican. I know that a large number of people will disagree with the statement that neither the Democratic nor Republican parties' platforms in totality are in accordance with Torah values. If you disagree with this statement it is not because it is wrong, but because you are seriously confused about Torah. When you vote, you hopefully evaluate the full gamut of issues and discover that

on some issues one party's views are more in accordance with Torah and on others it is the other party's, and often neither are. You then make a choice fully recognizing that you sacrifice some things for others, but the voting choice you make should never influence your understanding of Torah values. God forbid you should vote X, and then by association assume that all of X's positions accord with the Torah's perspective.

I don't know what the Second Amendment actually means, but whatever it does exactly mean, that has no bearing on the Torah's *halakhic* and *hashkafic* views towards weapons and gun-control, nor on what choices we, as *bonei torah*, should make as individuals in our own private spheres. I have no idea what the Constitution really holds about abortion, but I'm pretty sure that neither the typical pro-life nor pro-choice positions and attitudes are reflective of the nuanced and complex approaches of most of the contemporary *poskim* (decisors of Jewish law) who actually regularly answer these *she'eilot* (questions). And when it comes to economics: It's worth noting that in the last few years there have been a couple of speakers, not Rabbinic individuals, who have come and spoken on this campus where at least parts of their remarks addressed the Torah's ethos in the realm of economics. Suffice it to say that neither was sufficiently expert to opine about the economic values of Torah Judaism and certainly not in a *makom torah* such as this where there are plenty of *talmidei hakhamim* (Torah-scholars) who are. And while the Torah is most certainly not socialist, the conservative — lower case "C" — views expressed were

also most definitely not in sync with the spirit of *Hoshen Mishpat* and *Yoreh Deah*. This should not be taken as a criticism of the speakers — they were invited to express their ideas and did so — but rather of those who invited them to do so, and of some of those in the audience who uncritically accepted what was said.

The Torah's *weltanschauung* on economic justice can be understood only through the study of large tracts of Torah, not by cherry picking *halakhot* to conform to one political philosophy or another. If you want to understand the Torah's philosophy on economic justice — something that regrettably seems to attract little interest in large segments of our community — I would recommend that you study the laws of *ribbit* (usury), *shemithah* and *yovel* (the Sabbatical and Jubilee years), *sekhirut poalim* (labor law), *nizkei shekheininim* (neighborhood zoning laws), *geviat hov me-hayetomim* (collections of debts from orphans), *tzedakah* and the list goes on and on. But don't look to the platform of the party that you vote for to figure out your theory of economic justice nor any other matter of Torah values. A Torah Jew should not, at his or her core, be a card-carrying Democrat or Republican; he or she should view him or herself as a member of the party of the *Ribbono shel Olam*. How you vote, and what you advocate for in the public sphere of a mostly secular republic is complex and nuanced, but your fundamental allegiance and what you stand for and aspire to should never be in question — in your mind and in any impression you give to others.

"If the Lord is God follow Him, and if Ba'al is God follow him" (Kings I 18:21).

When *Eliyahu* (Elijah) presented the Jews on Mount Carmel with this choice, they could not answer — "and the people did not respond with anything." I certainly hope that all of you can answer the question. And remember — you cannot be *poseah al shtei ha-se'ifim* (stand on both sides of the divide).

I began this *sikhah* (lecture) by talking about the Rav's dichotomy of *ger* vs. *toshav* — the *ger* is apart from society whereas the *toshav* is part and parcel; but in truth even with respect to the *toshav* element — that is, when we get involved with the concerns of broader society — we are still fundamentally "apart." The *ger* represents those areas in which Torah values are diametrically opposed to those of the society in which we find ourselves, whereas the *toshav* represents those arenas in which we have enough in common to participate in the discussion. But even in the domain of *toshav* — and especially in situations where we might deem it wise to not necessarily push for our own particularistic positions and values — we always do so cognizant of what ideal Torah values are. As the Torah tells us in *Parshat Behar* (Lev. 25:23), "*Ve-ha'aretz lo timakher letzmitut ki li ha'aretz*" — the Land may not be sold an eternal sale even with the agreement of both parties because the Land actually belongs to God — "*ki geirim ve-toshavim atem immadi*." Because ultimately, the way we act both as a *ger* and even as a *toshav* must be informed by "*immadi*" — in accordance with the Torah and values of the *Ribbono shel Olam*.

Rabbi Jeremy Wieder is a Rosh Yeshiva in RIETS.

In the Shadow of Technicolor

By JOSH LEICHTER

It's an experience we've all had at least once in our lives. The posters of upcoming films lining the walls as we walk down to the counter to buy a ticket to a movie. The smells of freshly popped popcorn and butter flavoring waft in the air as the hissing of the excited bubbles of a just-poured Coca-Cola vibrate in our ears. We line the concession stands to pay the 12-dollar fee

should it be worth it? I know people that only go to the movies for the big tentpole features like the latest Marvel or Star Wars movie, and they aren't wrong. Those are the kinds of movies that demand to be seen on the largest screen possible, with upgrades like IMAX, Dolby Cinema or 3-D to enhance the experience and help the theaters earn a few extra bucks at the same time. But in my mind, there is a beauty in going to the theater to see those period pieces and dramas that don't demand a fancy screen.

has passed.

For these reasons, I find myself drawn back to the theaters, going very frequently and devouring the latest movies that are offered. It is because movies tap into our hearts and our minds so well that we find ourselves thinking about them for days after that first viewing, and

why we find ourselves watching them again for repeat viewings and showing them to our friends and loved ones for the first time. We try to transmit these stories and these experiences that we get by sitting on those occasionally uncomfortable seats with our over-priced snacks and our phones turned off.

Because when we go to the movies and sit under the reflection of those glowing Technicolor pictures, that's all that matters. At the end of the day, as the credits roll and the lights slowly brighten the theater, it's just us and the movie.

And I wouldn't have it any other way.

At the end of the day, as the credits roll and the lights slowly brighten the theater, it's just us and the movie.

for its delectable treats, choosing from an assortment of candies and chocolates that seem plucked out of a fantastical candy garden ala Willy Wonka. The seats are not the most comfortable, ranging from an old red velvet to a cracking faux-leather that have seen thousands of theater-goers just like us. If the theater is fancy, the seats may recline into practically becoming beds, providing an added level of comfort for those films that are on the longer side.

To some, the inconvenience of paying such high ticket prices and having to venture out on the subway to go to the theater to watch a movie that will be on Blu-Ray (if people still use those?) or a streaming service in a few months just doesn't seem worth it anymore. And they ask themselves: why

To me, there is nothing more exciting than when those lights that line the sides of the walls dim ever so slightly and the picture roars to life, exploding into a thousand different colors and pixels that come together with the greatest brushstrokes of masters like Spielberg, Scorsese and Tarantino to paint a picture of life. It's that idea that the movies can allow us to go from laughing to crying to cheering to a somber melancholy with each special viewing — or when they are at their finest, all in the same picture — that makes going to the theater such an enjoyable experience. When I find myself returning two or three times a year to see a familiar actor tackle a new role, each one a radical departure from the last, it feels like I am catching up with an old friend and no time



It is for these reasons that I find myself drawn back to the theaters.

WIKIMEDIA COMMONS

From the YSU Vice President's Desk

Seize the Moment

By ZACH GREENBERG

Entering my junior year of high school at Torah Academy of Bergen County in Teaneck, I always thought, “Why would I want to go YU if it’s the same thing as high school?” I was convinced that I did not want to live in the “bubble” of the Modern Orthodox world after high school — until Purim of 2015, when a few friends and I ventured to the famous “YU Purim Chagigah.” I was inspired by the amazing music, epic dancing, and how much fun and shtick was going on that night.

Then it hit me. Yes it’s true, YU may be the same thing as high school, but who says that high school ever had to end?

In TABC, I was on all of the “joke” and “nebbly” teams. I was on Varsity Wrestling, captain of the chess team, captain of the track team, and president of the Israeli Day Parade Committee. Generally, no one really paid much attention

towards those extra curriculars, but I put them on the radar. I constantly hung up funny fliers, ordered sick t-shirts/jerseys, created a warm atmosphere for people on my team, and pulled off some great shtick. For example, I cut one stu-

team. I had my own personal try-out a few days later where I qualified for the team becoming the first Post-Pesach student to join an NCAA team.

In my Sophomore year, I joined student council as Sophomore

MCU (Marvel Cinematic Universe) Club, writer for The Commentator, Lighting Engineer for YCDS, YUPAC, and Model UN to name a few. I also am a Resident Advisor and a Student Ambassador.

So far this year, I have found success with my goals. This past September, Elka Wiesenberg (VP of Clubs at Stern) and I organized the Panoply Trivia Night. It was a lot of fun, and over 150 students participated. I am in the works of running a private showing of Star Wars Episode IX which I hope to be very enjoyable. In addition to the things that have already happened, I have lots more exciting ideas in development.

In organizing these events I have seen many facets of our university, and understand a lot of what is going through the mindset of the students. Unlike the general belief that MYP students don’t do extracurriculars, I am an MYP student in Rav Koenigsberg’s shiur. I think being an MYP and being part of so many extracurriculars

and facets of the school, gives me a wide range of viewpoints which I believe is a critical component of being part of student council.

I have many goals as being VP of Clubs. For starters, I am trying to get a shuttle in the morning for Stern students living in the Heights. I want to try and get an omelette station in the Cafe for breakfast. I want to initiate Spirit Week on Wilf campus similar to what happens on Beren Campus by organizing a huge comedy night or talent show in addition to giving out tons of free swag. Most of all, I, as a YP student, want to try and facilitate more Co-ed interactions among the campuses in a Kosher setting that all students can feel comfortable to attend.

Based on my personal experiences, I believe that on our campus, it is possible to make change happen. I feel like our campus is so divided, and we all just argue with one another instead of trying to fix what we believe is broken. Our university is full of incredible students who all come from different backgrounds and have different goals. There are certain issues which bring out that divide more so than others, but I believe it’s important not to let that divide incite hatred amongst one another. Instead, we should use this divide to make us a stronger whole. We should understand that each student and opinion matters and appreciate everyone’s different perspectives. It’s in our hands to break this divide.

I believe taking action is a crucial aspect to our time at YU. The Office of Student Life, The Housing Office, The Admissions Office, and all of the other teachers and faculty at our university want us to succeed. I have found that regarding any event or idea I’ve organized, I have found the support and resources to make possible. It was just a few weeks ago that I ran a Rubin 7 Floor Shabbaton on Beren Campus by reserving Minyan Men for the week. The MCU Club has already run two movie event showings, and I’ve met dozens of fellow Marvel fans in YU because of it.

I am confident that each and everyone of you reading this can have an impact. Whether it’s attending a large event, organizing a small meeting, or just sitting next to someone who’s eating alone in the lunchroom, you can make a difference. I am constantly looking for feedback and ideas from my fellow classmates and if you have any suggestions, please speak to me and I will help you towards achieving those goals.

Our university is not perfect, but none are. We as students of Yeshiva University, have a unique opportunity to become leaders throughout the Jewish world. That opportunity starts on campus. It’s up to you to seize the moment.

In organizing these events I have seen many facets of our university, and understand a lot of what is going through the mindset of the students.

dent who had been accepted into Princeton from the Chess team. I then hung up posters of that student all around school exclaiming, “Got into Princeton. Couldn’t make Chess. We’re exclusive.”

Coming into YU, I knew that I wanted to be involved with extracurriculars just like I was in high school. On my first day of YU, in the Post-Pesach program, I reached out to the captain of the Cross Country team, Jon Greenberg (, and inquired if I could join the

Representative. I helped out with the planning of a few major events, such as the Yoms events and organizing the Avengers: Endgame movie night. This year, I decided to take my experiences further and was elected as the Vice President of Clubs.

I think this role is fitting for me as someone who is highly involved with clubs on campus. I am part of dozens of clubs, including being the head of the Chess Club, VP of YU Democrats, on the board of the



As Vice President of Clubs, Greenberg participates in lots of clubs.

ZACH GREENBERG

From the TAC President's Desk

Lighting Candles of the Past and the Future: A Pre-Chanukah Message

By **BELLA ADLER**

"The Hill" — St. Louis, Missouri's long-established Italian neighborhood — is the last place I expected to find Chanukah inspiration. While home for Thanksgiving with my family, we trekked to The Hill and meandered through its shops, many of which were already decorated for the holidays. Essential oils and natural aromas filled the sidewalk air as we entered a soap store. Upon entry, a buzz filled the room. Salespeople were explaining the historic St. Louis story of the company. The storefront was filled with hundreds of handmade soaps with dozens of scents, shapes and colors to choose from, while the back housed the factory in which the soaps were made. Immediately catching my eye was a Hebrew phrase carved into a light wooden plank, hanging above the registry. It read, in Hebrew letters, no English: "*Dah lifnei mi atah omed*." To find this traditional Jewish reminder that we are always standing before God in a soap shop confused me immensely. Why is this *here* — in St. Louis? In an Italian neighborhood? In a soap store? With Christmas ornamentation in the front window?

As we began to *shmooze* with the store owner, we quickly realized that we had both lived on Kibbutz Hatzerim, spoke a good broken Hebrew, and learned all the rules of *Kashrut* from our grandmothers. He explained that his great-grandfather escaped France during the Inquisition, ran to a small city in Italy, and came to St. Louis for the 1904 World's Fair, working as a barber. The phrase, "know before whom you stand" has become the family's motto. But not according to its traditional meaning.

To him, it stands for a much broader concept - to always remember the generations under which you stand. Know the hardships your ancestors went through to get you where you are today. Know the values upon which they, and you, were brought up. And at the same time, know the next generations before whom you stand. Imagine your children, your children's children and the future world at large. Think about the responsibilities that we face towards

the earth and what we owe the next generation of Jewish people. Know how we must act for the people of tomorrow.

My soap-shop owner friend is battling the dichotomy of paying homage to the people who came before him while also creating a set of morals that will define his next generation and the next. And he is not the only one struggling to balance this two-sided coin. In an article for *Vogue*, world-renowned professor of social work Brene Brown writes that "we are neurobiologically hardwired for connection. When we stop caring what anyone thinks, we diminish our opportunities for connection... Yet, when we allow ourselves to be defined by what people think, we lose our capacity for authenticity and courage." Brown is also balancing a dichotomy of interpersonal relationships with an intrinsic moral system.

I too find this dichotomy in my daily life. As young adults we each stand for our personal values while simultaneously being contributors towards a community. We are first and foremost individuals with rich stories and historical narratives of our past. And we are also united by our enrollment as students of Yeshiva University, articulating its future. The message I want to share with you is the same one my soap-shop owner shared with me - proudly stand rooted in the rich legacy of those who came before us at YU, and strongly articulate the future we want to see at YU.

With a new semester beginning in January, take a few moments to find where you can make a stamp on our university. As Brown writes, be authentically and courageously yourself, while also finding a community to connect with. And if you don't see it? Create it. Club applications start again in January. Open an sstud/ystud and attend an event you might never have seen yourself at. Stay in for Shabbat. Say hello to the person sitting next to you in class. Challenge a norm. Create a new normal. Great leaders succeed not because the path is easy, but because they believe and continue on in their mission despite its obstacles.

Chanukah, though the darkest time of the year, is a source of great light for the Jewish people. Anne Frank wrote that "a single

candle can both define and defy the darkness." Know that one person, one action, one event have defined entire generations, and, defying all odds, can change the future. *Dah lifnei mi atah omed* — know the past and also know the future.

This Chanukah, let us all "know before who we stand" — both our

past generations and the ones who will come after us. Let us have the authenticity to proudly take our place in the history of YU. Let us have the courage to define its destiny. Let us be both individuals and community members. Let us light new candles whose glow will remind us of our inspiring past

and whose radiance will ignite the path forward towards the future we must create.

Ignited by the Chanukah lights, destiny's path is in our hands.

Recall bright leaders of the past, for they will enlighten our future.

Know that one person, one action, one event have defined entire generations, and, defying all odds, can change the future.



Chanukah, though the darkest time of the year, is a source of great inspiration for the Jewish people.

WIKIMEDIA COMMONS

Yankees Offseason To-Do List

By **CHANA WEINBERG**

As gray slush covers New York City, the New York Yankees' front office staff are trading their parkas for shorts at the Major League Baseball Winter Meetings in San Diego. The Winter Meetings is an annual conference where MLB franchises, players and agents

— as well as baseball job seekers and media members — flock to a hotel in a "warm weather state" to discuss various baseball-related topics.

Though job fairs and writers' meetings are interesting, for most fans the main event of the Meetings are the swirling rumors: "This team is trading their best player!" "That free agent is about to be signed!"

For teams, however, the Meetings are important because of the trades and transactions that are *actually* completed. As I am not yet a member of the Yankees front office and am just a fan stuck in slushy NYC, I want to start my own rumors and propose my own transactions. The following is what Chana Weinberg would do if she was the general manager of the

Yankees. These are not predictions. Rather, this is what should be done, what needs to be done, for the Yankees to finally get past the AL Championship Series and win the World Series.

The Yankees' top priorities this winter are to acquire a backup catcher, one or two left-handed bats with power, a front-end starting pitcher, a back-end starting

pitcher and a backup infielder. This must all be done without reaching too far into their deep cache of quality minor league pitchers and while maintaining the flexibility to have a World Series-quality team for years to come.

Continued on Page 17

YANKEES,
continued from Page 16

Backup Catcher: Re-sign Austin Romine

With the departure of Austin Romine to free agency, the Yankees have depleted most of their organizational catching depth. Therefore, I propose they either re-sign Romine or trade for a good defensive catcher with a quality bat. Kyle Hisashioka is already in the organization but gives minimal offensive contribution, so Romine, who showed his ability to hit last season, is a good option to come back and contribute.

What complicates this is that Romine is rumored to be looking for a starting catcher job, not a backup position. If this is indeed the case, the Yankees should sign Tyler Flowers, a comparable free agent. Or they can trade for Phillies' backup Andrew Knapp by sending them cash considerations and a minor league arm not in their top ten prospect list. With all that said, the simplest solution would be to just re-sign Romine, who is already familiar with the Yankees pitching staff, to a two-year \$4.5 million deal.

Left-Handed Power Bat: Trade for Josh Bell

In a recent article for The Athletic, former general manager Jim Bowden proposed that the Yankees trade for Josh Bell, the all-star first baseman of the rebuilding Pittsburgh Pirates. In this trade, Bowden

has the Yankees give up Miguel Andujar (the 2018 Rookie of the Year runner-up), Luke Voit and a minor league pitcher. I am not in the business of predicting if these deals will happen, but I do think it would be a worthwhile trade — consider the Yankee lineup with Aaron Judge, Gary Sanchez, Josh Bell and Giancarlo Stanton: that's a lot of home runs. Trading both Voit and Andujar some-

have also reportedly met with 2019 World Series MVP Stephen Strasburg, the second best starter on the open market. The Yankees need to sign one of these pitchers. After losing to the Astros again this year, the Yankees need to stockpile power pitching at the top of their rotation — in addition to having a strong bullpen — to have a better chance of advancing in the postseason. But *who* to

to go — the two California natives will need to be convinced to switch coasts. I will offer Cole a seven-year \$252 million contract to play for the Yankees. Imagine a Yankees rotation with Cole, Severino and Paxton as the top three.

The Yankees current roster is very talented. The mere possibility that they will get a full season's worth of play from Aaron Judge, Giancarlo Stanton and Luis Severino is enough to give confidence that they will be able to win another 100 games in 2020. But nothing is guaranteed, and that is why in past years the Yankees have become experts at adding value at the margins. The transaction proposals here are only the big splashes; as GM, I would recommend strengthening a middle-infield utility bat and adding options at the back of their rotation to help the team get through the long, six month season. Another aspect to consider is payroll, how much a player should be paid and the continual change in the ways teams value different types of players, but that is a matter for another article.

Eventually, the Winter Meetings will end and most of the rumored transactions will not occur. There will still be time to improve rosters before the season begins, but the Yankees will have to re-acquire their parkas and transact from a distance. If, by the end of the offseason, they will have followed some of my advice, the 2020 season will be thrilling. Then again, I'm just a fan in slushy NYC.

This is what should be done, what needs to get done, for the Yankees to finally get past the AL Championship Series and win the World Series.

what depletes the Yankees' infield depth, but with the versatile DJ LeMahieu and the Tyler Wade-Thairo Estrada combination, they should be good to go. The Yankees should also re-sign Brett Gardner to have another strong lefty option in their lineup. Gardner has the right kind of power for Yankee Stadium, with its "short porch" in right field, and that would be helpful.

Front Line Starting Pitcher: Sign Stephen Gerrit Cole

When Gerrit Cole put on his Boras Corp. hat at the conclusion of the World Series, it was clear that a bidding war for his superb pitching would shortly commence. The Yankees seem to be involved in this bidding war, but again, I am not in the school of predicting what the Yankees will do. They

pay? And how much?

As GM of the Yankees, I am ready to spend big. But for which pitcher? Strasburg allowed more runs than Cole, who topped the league in run prevention. Another factor to consider is how the pitcher will play in Yankee Stadium and in the small AL East division ballparks. The rate at which Strasburg gets ground balls is higher than Cole's rate, which is important in the home run friendly parks. That being said, Cole strikes out more batters per nine innings. You also have to consider who will be better on the back end of the deal, when you will inevitably be overspending on the pitcher who is not as good as he was when he signed the contract. Considering the number of teams willing to spend, ultimately it will all come down to where the pitcher wants



Yankee Stadium

WIKIMEDIA COMMONS

Resume Building: Getting to Know Yourself

By Efraim Weiner

When creating a resume, one brainstorms their work experiences and education to create bullet points detailing their skills — often overly-relying on a thesaurus to embellish relatively mundane tasks. Secretarial experience becomes “initiated correspondences between the CEO and perspective clients,” while a gap year spent in Israel might translate to, “meticulously analyzed and verbally debated ancient Babylonian legal texts.” These bullet points might make for a superficial display of your talents and skills, but they do little to answer the dreaded interview question, “tell me a little bit about yourself.” To answer this question successfully and thoughtfully, it is important that one creates their own personal philosophy.

To understand what a personal philosophy is, it is important to first understand what it is not. A personal philosophy is not derived from Ted talks, business podcasts, or Tony Robbins shouting mantras at you. Nor is a personal philosophy just about tips on how to get rich quick or brain tricks to think quicker and more efficiently. This isn’t

to say that these self-help guides and motivational speeches are worthless — certainly many have valuable insights and knowledge that one can apply to various day to day situations. However, these advice-givers have created and perfected their own unique personal philosophy, so mimicking and idolizing their way of life does little to develop one’s own self.

Our personal philosophies may become altered overtime but perhaps we can look at our past decisions to help guide us towards defining our future.

In order to cultivate a personal philosophy, a person should examine their day starting from the very beginning to the very end. The goal is to find commonality in life’s mundane and seemingly disconnected activities. When one defines for themselves why they do what they do, and who they are as a person, these tasks start to link up and make sense — dictating one’s next choice.

Psychologist Angela Duckworth, in her book “Grit,” examines the coaching career

of Pete Carroll. Originally a college football coach, Carroll entered the NFL but saw only mediocre success, and was eventually fired as head coach of the New England Patriots. During this low point, Carroll examined his life philosophy and what his ultimate goals were. In 2010, he returned to the NFL as head coach of the Seattle Seahawks and guided the team to a Super Bowl championship

just three years later. He credits his renewed success to his philosophy of “doing things better than they were done before.” This mantra of Carroll’s dictated all aspects of his life and coaching philosophy. Whether it was the players’ meal plan, the music the team listened to, or the time frame for his practices, everything was calculated. When one defines their personal philosophy, success and achievement can become immanent.

Carroll spent years crafting his way of life,

encountering both success and failure along the way. Similarly, our personal philosophies may become altered overtime but perhaps we can look at our past decisions to help guide us towards defining our future. As YU students, our mission statements, although probably not fully defined, may contain Jewish values that have dictated our decision of where to study for university and may dictate the career fields we eventually choose. Taking the time to reflect and categorize one’s personal philosophy is the only way to figure this out.

Establishing a personal philosophy is no easy task. Some people spend their whole lives in search of something to live for and work towards. However, even the process itself is worthwhile. Explaining to a job recruiter how you approach life — scrutinizing every moment — shows that you are thoughtful, attentive to detail and that you approach tasks differently than other people. Additionally, the most technical and routine aspects of one’s profession can become meaningful once you figure out what it is you are working towards. So as you polish that resume for that next job application, take the time to also figure out who you really are.



Job recruiters want to know who you really are.

Staying Ahead in the Office and Making Your Boss Proud

By AVI LEKOWSKY

Dozens of applications have been sent in. Your mouth has gone dry from preparing for interview after interview. You've endured sleepless nights and subway rides for interviews that only elicited the diplomatic yet oh-so-heartwrenching emails, "while we reviewed your application and although you have some interesting experience, we will not be moving forward with your application at this time." Finally, you get an offer; the job is yours. While your life may not revolve around finding a job anymore, what are you supposed to do once you start? How do you make a good impression on your boss, hand in the high-quality work and get a full-time offer or promotion down the line? Here are some tips on how to be the best version of yourself when creating your "business" persona in the office.

1. Don't be afraid to ask questions.

Walking into a new office can be intimidating. Even small things like finding the closest water cooler or vending machine can be enough to make your heart do a somersault, let alone figuring out the harder questions related to your job. Most people come into a job not knowing every detail about it and require assistance to get through the day. The most important advice you need to know is not to be afraid of asking questions. People expect you to inquire about the work and the workspace as soon as you step foot in the office, and if you don't do it now, it gets more and more awkward down the line — just imagine asking your boss where the bathroom is after a month of working there! Power through that fear and watch yourself work your way to the top.

2. Collab!

When you start a job at a large company, it's easy to get funneled into one very specific position that may teach you how to do one thing well, but it's all you can do. This makes it harder to learn new skills that



PIXABAY

help you advance in your career and allow you to become a more valuable asset to the company. One way to overcome this is to invite people from other departments to collaborate on projects. Working on tasks with other people gives both of you the chance to acquire new talents and spin an assignment in a way that gives it multiple perspectives. Top positions require people to have a vast array of industry expertise and this is a great way to get yourself ahead.

3. Focus.

The 9-5 grind can be tiring, and an overwhelming workload can make it hard to focus on just one project. Many people rely on background noise, music or podcasts to get things done. There are many great apps to choose from, like Apple's own podcast app or Spotify's robust selection. Additionally, meditation could be an alternative way to help you settle down and pound through

The prospect of a nice paycheck has fueled years of hard work and long nights of studying. With that said, at the end of the day, the work you do is just a means to an end.

some work. Apps like Headspace (free trial available), Happify and Mindfulness Daily help you stay calm in stressful situations. Lastly, it might be helpful to take a quick breather. Give yourself five minutes to take a walk outside, do some yoga or watch a quick Youtube video. Taking your mind off work for a little can make your time spent working more productive.

4. Balance

Most of us have spent the majority of our lives going to school with the hopes of getting a good job after we graduate. The prospect of a nice paycheck has fueled years of hard work and long nights of studying. With that said, at the end of the day, the work you do is just a means to an end. While hard work and acquiring a livelihood is important, living life is of the utmost importance. So while working hard and pulling those extra hours to impress your boss, be sure to schedule a vacation and make time for family and friends.

Landing a job is a fantastic accomplishment. The chance to prove yourself in a company can be exciting, nerve-racking or a bit of both. By following these tips, you give yourself the best chance to grow and succeed in this new environment.

Thriving, Not Surviving

By NATHAN HAKAKIAN

With the holiday season rapidly approaching, big-box retailers are looking to capitalize on what has been a rough year. The continuous standoff with China, as well as the nonstop rise of Amazon, has left a sizable dent in the retail industry. Sears, who is currently facing bankruptcy, announced the closing of 51 stores by February, while Kmart is planning to shutter 45 stores of their own. Once known as one of the largest American economic pillars, J.C. Penny has closed 18 stores this year and expects to downsize even further in 2020. However, despite all the turmoil, Target and Walmart have managed to further grow by applying their own twist on the traditional "brick and mortar" approach.

When looking at the numbers, over the last 5 years, both Walmart and Target have seen their stock price increase, by 35% and 40%, respectively. As of December 2, 2019, Target has a stock price of \$123.98, matched by Walmart's \$119.28. With those numbers in mind, Target has a market capitalization of \$62.83 billion, while Walmart boasts a \$339.27 billion market capitalization of their own. In 2019, Walmart posted an annual

EBITDA of \$32.36 billion, while Target raked in \$6.584 billion. These key financials are a true barometer to the overall financial health of both companies as they enter 2020.

Target has seen steady but substantial growth over the course of the last few years. In early March, CEO Brian Cornell announced a \$7 billion plan that would facelift the company. This strategy began with a doubling-down on their 1,800+ U.S. locations. Although this

program to gather data about customer's shopping habits. They have opened smaller locations on college campuses which invite a free-flowing environment, and lastly, they have also beefed-up its online sales method through the introduction of a third-party marketplace *Target +*. *Target +* will establish a more accessible platform, while allowing Target to eliminate major costs, such as shipping.

"However, despite all the turmoil, Target and Walmart have managed to further grow by applying their own twist on the traditional 'brick and mortar' approach."

approach seems illogical, Target saw a 5% increase in same-store sales, a major metric in assessing the success of a retail company. Next, Target invested millions on remodeling their stores, with the hope of catering towards young parents and millennials. To appeal to this customer segment, Target has launched over 25 brands, including clothing lines Goodfellow and A New Day, whose trendy styles have caught the attention of low budget fashionistas. Additionally, Target has invested in developing its free loyalty

Walmart has had its fair share of success with their business model of "everyday low prices" across the globe. Customers shop at Walmart because they are able to find anything they need at the best price available. As of March 2019, Walmart has nearly 12,000 worldwide locations, as well as various e-commerce websites. According to Charles Fishman, author of "The Wal-Mart Effect", 90% of Americans live within 15 miles of a Walmart. Additionally, Walmart prides itself on having a nearly impeccable supply chain.

They were amongst the early adopters of barcodes and RFID (radio-frequency identification) tags which have allowed them to keep a good grasp on their inventory. With a detailed database, Walmart can reduce the number of out of stock products. Lastly, Walmart has established relationships that allow them to deal directly with manufacturers. Under this method Walmart slashes costs, eliminating the use of middlemen, in addition to having suppliers be responsible for inventory. With this effective pairing, Walmart has established itself as one of the truly elite retail giants, with the key ingredients to surviving a retail apocalypse.

Looking forward, both Target and Walmart will have to bring their A-game to further grow their revenues. With Amazon initiating their one-day shipping promotion, many analysts suspect that this will only further their lead. Alibaba has also shown significant signs of growth and also looks to further grow its international presence in the U.S. What does the future have in store for Walmart and Target? How will they respond? If there is one thing time has shown is that both companies will find a balance of sticking to their core principles, as well as integrating innovative ideas to help them remain worldwide staples.



SY SYMS

SCHOOL OF BUSINESS

**INTRODUCING
OUR MASTER'S IN
REAL ESTATE DEGREE**

Discover the art and science behind every deal

Create impactful business relationships through YU's Real Estate Network

Receive mentoring from real estate practitioners with experience in every sector.

Master the fundamentals of financial analysis, modeling, deal-making.

Learn More at: yu.edu/syms/real-estate



Syms
Sy Syms School of Business

BUILDING TOMORROW, **TODAY**