

## NYU's Unnecessary Apology

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Yesterday morning, I received an email from the New York University Office of Public Affairs. (I am a grad student at NYU.\*) The email read:

We apologize that John Sexton's memo to the NYU community about Academic Year 2010-11 was sent out after sundown on Friday, September 17. We were aware of the start of Yom Kippur and had intended to be sure it was distributed early on Friday; however, because of technical problems and miscommunications, the memo was mistakenly sent on Friday evening. Please accept our apologies.

Upon receiving this email I was -- and I remain -- completely baffled, genuinely perplexed about what NYU had done for which it needed to apologize. **What on earth is the problem?**

Both **NYU's student newspaper** and the **Jewish Telegraph Agency** have covered this email and apology as news. (The NYU student newspaper I understand. As for the JTA... well, the fact that they covered these two emails can be seen either as a testament to the JTA's outstanding thoroughness, or as a sign of the Jewish community's obsessive naval-gazing, depending upon one's general mood.) **But neither story clearly identifies what, precisely, NYU theoretically did wrong.**

The JTA article cites "poor timing". But why, pray tell, was the timing "poor"? The story doesn't say, leaving the matter entirely to the reader's speculation. NYUNews.com notes that, "According to the customs of the holiday, those who observe the Jewish holy day must refrain from eating, drinking and using electronics from sundown on Sept. 17 to sundown on Sept. 18." But the story fails to identify how, specifically, NYU's sending an email runs afoul of Yom Kippur observance. There are a number of possible answers, but I hope to demonstrate below that all of them are quite ridiculous. Let us take each of these potential objections in turn:

### **Objection #1: NYU broke the laws of Yom Kippur by sending the email.**

Response #1A: NYU is not Jewish, and so is not obligated in the laws of Yom Kippur. (NYU is also not a person for that matter, but set that aside, because if NYU were a Jewish institution, most Jews would probably still expect it to observe Yom Kippur. However, NYU is a non-sectarian university.)

Response #1B: NYU also breaks Shabbat all the time. This email went out at 10:36 on a Friday that happened to be Yom Kippur, but what if it had been an official email on a Friday in December, at 4:30 pm? Every winter, when Shabbat begins during the standard business day on Friday, I imagine official NYU emails go out on Shabbat with some frequency. Then consider Shavuot, Sukkot, Shemini Atzeret, and Pesach, which frequently occur on business days, and on which I am confident NYU sends out copious official emails. If we're going to complain about emails being sent when Jews are forbidden to work (which, I maintain, we have no business doing in the first place), then we should at least be consistent, and complain all year long.

### **Objection #2: The individual who sent the email might be Jewish, and broke Yom Kippur by sending it.**

Response #2A: The email went out under the name of NYU President John Sexton, who (despite the fact that his late wife, Lisa Goldberg z"l, was Jewish) is Catholic, at least if his [Wikipedia page](#) is to be trusted.

Response #2B: Even if it was a Jew working for NYU who pushed the send button on Yom Kippur, that was her/his personal choice to desecrate the holiday. While I am saddened that any Jew would choose to work on Yom Kippur, I am not the least bit "offended" by NYU as an institution, which has still, under this scenario, done nothing wrong.

Response #2C: We don't have any specific reason to believe that it was a Jew who sent the email. Are we taking a position that anytime a secular institution which employs Jews does something electronically on Yom Kippur, it is a problem because a Jewish employeemight be involved?

Response #2D: And if we do have a problem with NYU doing anything at all on Yom Kippur because a Jew might be involved, see Response #1B: shouldn't we say the same of Shabbat, and all holidays?

### **Objection #3: NYU caused Jewish students and staff to break the laws of Yom Kippur by receiving the email.**

Response #3A: Is there some hidden verse of Torah about Yom Kippur email which I've never heard before? ("It is a sabbath of solemn rest unto you, and ye shall afflict your souls; it is a statute forever. Neither you, nor your household, nor the stranger who is among you, nor your laptop, nor your printer, nor your fax, nor your Google account, shall do any manner of work...")

Response #3B: No, nobody broke Yom Kippur by receiving the email. [Yeshivas Ohr Sameach](#), a right-wing Orthodox outreach institution with excellent *bona fides* in halachic stringency, [notes \(in the name of Rav Chaim Pinchas Scheinberg\)](#) that it is completely permissible for a Jew in New York to send an email on Friday to a Jew in Jerusalem, where it is already Shabbat. Presumably, implicitly, there is no problem at all with that Jerusalem Jew retrieving the email after Shabbat, even though it arrived in her inbox on Shabbat. Receiving emails on Shabbat or Yom Tov is like setting up your lights on a timer; it is an automated process that doesn't break the solemnity of the day because you don't actually do anything to control it on the day of rest itself.

### **Objection #4: By conducting "business as usual" on Yom Kippur, the University sent the message that Jewish students are marginal and their highest holy day doesn't matter.**

Response #4A: I think in order to have this response you need to be actively looking for things to be offended over. In which case, can we consider turning our energies toward matters of important substance instead?

Response #4B: What actually matters is that observant Jews have full access and ability to participate in NYU without compromising their religious life. This email does nothing to hinder Jewish participation in NYU life. So what's the problem?

Response #4C: The *apology* email went out at 11 am on a Sunday, which many Christians consider the Sabbath, or Lord's Day. Christian interpretations differ as to the necessity or nature of work restrictions on Sunday, but many denominations are quite strict, and some Christians might find this official apology email offensive coming, as it

does, on the Christian Sabbath. Should NYU send out a new apology email about that? Or should we instead simply recognize that NYU is a huge and diverse university, with a large number of religions represented in its staff and student body?

**Those are the four potential objections I can think of, all of them baseless. So am I missing something else?** Is there some other reason a person could be offended by an email sent by a secular institution on Yom Kippur? Let me know.

So why do I bring this up, and pay a trivial matter more attention yet? Because the sad fact is that NYU wasn't being paranoid when they issued an apology for this non-transgression. There probably are Jews who managed somehow to be offended by (horror of horrors) the timing of an email update.

**My fellow Jews, I say this with great love: we are a difficult bunch.** We are so opinionated, so bold, so diverse and so eager to fight the good fight with all the righteous indignation we can muster that the Gentile world could be forgiven for feeling that, no matter what they do, some of us will be offended.

**And let me add, I love those qualities of our people.** These qualities gave us what it takes to smash idols and proclaim God's justice, to make enormous contributions to world ideas and culture, to stand up for our rights and for the rights of others. **It takes difficult people to do revolutionary things.**

**I'm just saying: let's make sure our righteous indignation is focused on things that matter most.** Iran is on course to build a nuclear bomb. There are millions of people enslaved, and millions more in crushing poverty. There are terrorists bent on destroying Israel and America, and extremists bent on destroying civil liberties. Are we really, *really* getting offended about emails being sent four hours into Yom Tov?

For some perspective, let's take a look back through the BJPA archives to another High Holiday season: September 1958. Albert J. Weiss of the ADL, writing in the Journal of Jewish Communal Service, **discussed quotas and other forms of outright admissions discrimination against Jews** at many hundreds of American universities. If anyone can read this piece, and then still manage to be in a huff about EmailGate, then I quite simply marvel at their superhuman powers of huffery.

*\*In the interest of full disclosure I should note that, in addition to being an NYU student, as an employee of the Berman Jewish Policy Archive @ NYU Wagner, I am on the University's payroll, and indeed, my contributions to this blog are in that capacity. I should also note that I am the recipient of a fellowship named for University President John Stexton's late wife, Lisa Goldberg, **zichrona livracha**. All that being said, however, I promise that I wrote this posting on my own behalf, based on my own true reactions and judgments, which I believe to be fair, despite my ties to NYU.*