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# The Blog of Garnel Ironheart

The ongoing ramblings of the Leader of the Living and his thoughts on Judaism, Israel and politics today.

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[A New Approach To Modern Orthodoxy - By Michael J ...](#)

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Wednesday, 5 January, 2011

## Taking A Firm Stand

Rav Moshe Dovid Tendler, *shlit'a*, is certainly a controversial figure within the *frum* world. For many on the Chareidi side of the border he is public enemy no. 1. For many on the Modern Orthodox side he is a beloved and respected *maggid shiur* and *rav*.

What makes him important, in my opinion, is his willingness to take a stand when it comes to *halachic* positions that might go against the current position of the "Gedolim" in Israel and America. He did so in the 1990's when he came out against the practice of *metzitzah b'peh* using direct skin-to-skin contact by the *mohel* after one such individual came under strong suspicion of spreading herpes infections to infants in New York through the technique. The response to his position, one based on a deep knowledge of *halacha* which showed that indirect *metzitzah* was permissible according to many authorities, was vitriolic. If one went by the descriptions his enemies gave, one would think he was a composite of Hitler, Stalin and Chielmnicki, y"sh (all of 'em) come back to life. Indeed, my first exposure to the idiocy that has replaced logical *halachic* thinking in some quarters came through that episode as I listened to some kollel types tell me about how herpes is and isn't transmitted (they were completely wrong, of course) and how, if I disagreed I was a heretic for going against the "Gedolim".

Another decade, another controversy. This time it's something much more complex, the definition of death according to *halacha*. If one thinks the various opinion on *metzitzah b'peh* are hard to keep track of, the definition of death makes that issue look simple and superficial. Yet once again a handful of Gedolim have taken one of a dozen legitimate opinions and announced that this position, and this one alone, is the *halacha* and that going with any other approach is heresy and rebelling against God. Now usually when a *psak* like this comes out of the Chareidi community most Modern Orthodox folks shrug their shoulders and go on with their lives. For many there is no practical reason to get upset. Did someone outlaw denim skirts? We don't live in those neighbourhoods so who cares? No crocs on Yom Kippur? I don't *daven* with that crowd.

But this isn't the same thing. What we are talking about impacts on a person's ability to choose for himself how his life will end *al pi halacha* as well as the weighty issue of availability of organs for transplanting. This issue is not only about the end of life but the preserving of it as well.

Yes there have been Modern Orthodox responses to the dictatorial way this issue has been handled but all have been low key so as not to inflame the situation. The problem with this approach, as has been Modern Orthodoxy's problem in every confrontation with the Chareidi leadership, is that civility puts MO at a disadvantage. The Chareidim shove, the MO's step back, dust off their shoulders and say "Please don't do that again" without acknowledging that they've been moved away from their original position.

And then there's Rav Tendler who, in contrast to this opinion, has [decided to shove back](#):

Scientific ignorance can be dangerous, especially when people with inadequate knowledge are faced with and decide upon questions that demand expertise.

So how is it that some rabbis, who are great Torah scholars but not necessarily medical experts, claim to overrule science in determining the moment of a person's death, regarding questions of organ donation? A conference at the [Bar-Ilan University](#) on Tuesday, part of its Nitzozot study series, dealt with case studies in Jewish bioethical decision-making: brain-death and advanced genetic management.

In the early 1990, Rabbi Dr. Moshe D. Tendler – a biology professor and Jewish medical ethics expert at the Yeshiva University, and rosh yeshiva at the Rabbi Isaac Elchanan Theological Seminary – developed for the Rabbinical Council of America a health care proxy that determined that brain-stem death constituted halachic death. A few months ago, a special committee of the RCA, composed of members who do not have the scientific credentials of Tendler, backed away from its previous stance.

"We underestimate the effort needed to understand the advances in biomedicine, people who are trained – doctors, etc. – have trouble keeping up with the field," Tendler told *The Jerusalem Post* at the end of the conference. "Our rabbis enter the field at its most advanced stage, without the background necessary to understand it.

"The idea that greatness in Torah is adequate to make up with this deficit in education, is erroneous. Lo bashamaim hi – the Torah is down on the earth. Therefore, [Rabbi Moshe Feinstein](#) waited two years before he could answer the question [on whether brain-stem death qualifies as death]," Tendler said of his late father-in-law, the supreme rabbinic authority for Orthodox Jewry of North America and one of the greatest halachic adjudicators of the generation.

It's tough talk like this, calling reality what it is and pushing back with *halachic* sources that will give Modern Orthodoxy a fighting chance in this struggle. Perhaps Rav Tendler's approach is one that other MO authorities might consider the next time a part of the Torah-

Torah Letters!



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Mighty Garnel Ironheart



Authorized Biography

Mighty Garnel Ironheart

I'm a mythical hero from the "The Unending War" trilogy who was granted great power in the battle against the Undead Overlord only to misuse it and wind up defeated. The lesson: The battle is not always to the mighty, nor the race to the swift, but that's the way to bet.

[View my complete profile](#)

Rabbi Adin Steinsaltz: On Biological Engineering



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observant community decides to set universal standards for all of us.

Posted by Mighty Garnel Ironheart at 1:39 PM 

Labels: [Torah Medicine](#)

#### 4 comments:

**Anonymous said...**

Superb post. I have nothing to add.

5 January, 2011 10:23 PM



**YGB said...**

Sorry Garnel, but I think you're way off-base here. Firstly, to critique RMDT's interlocutors without analysis of the actual issues, is unprofessional, to say the least. RMDT's position is a monumental chiddush, and there is ample room to oppose it.

More importantly, there is no such thing as MO halacha in contradistinction to Charedi halacha. RSZA did not issue "Charedi psakim". We have only one Torah. It seems artificially and dangerously divisive to portray this as a MO vs. C issue.

5 January, 2011 11:45 PM

**Garnel Ironheart said...**

Kvod HaRav YGB,

I agree there is no such thing as MO vs Chareidi halacha. However I would say there is such a thing as MO halachic method and Chareidi halachic method, especially as has developed over the last 20 years since the passing of RSZA. The approach to controversial issues by MO and Chareidi poskim is very different and the divisiveness is dangerous but I think its been instigated by one side's desire to define Torah Judaism for all observant folks and an attempt to destroy the diversity that exists within the frum world.

RSZA would therefore be a poignant example of the opposite, a major Chareidi posek who, like GRMF, paskened for the sake of halacha, not ideology. It's probably why those two were the last Chareidi poskim universally accepted and loved by the MO community.

6 January, 2011 8:07 AM

**Robby Berman said...**

You can learn more about organ donation and brain death in Halacha at the website of the Halachic Organ Donor Society. [www.hods.org](http://www.hods.org). There you can see a video of Rav Dovid Feinstein testifying as to what his father told him.

6 January, 2011 8:45 AM

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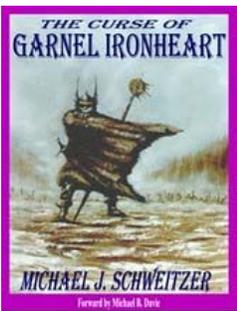
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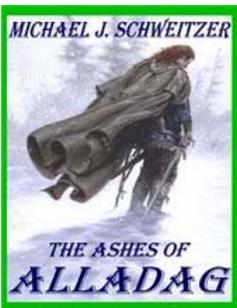


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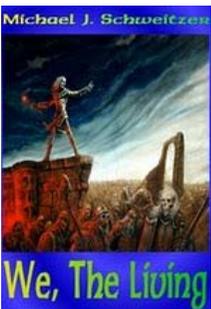


The second book in the trilogy

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**Jewish Blogs of Interest**

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 **Elder of Zion**

Gaza town to create "Mavi Marmara" park - Palestine Today reports that the mayor of Jabalia met with a Turkish man, Hanafy Osama Sinan, who had been on the Mavi Marmara. Sinan traveled to Gaza with...

*4 minutes ago*

 **Daled Amos**

2010 Was A Banner Year--21 Muslim Terrorists In The US: A Partial List - In 2010, there were 21 Muslim terrorists in the US who either were convicted or plead guilty: In a \*forthcoming\* report, the Investigative Project on Terror...

*11 minutes ago*

 **Life in Israel**

Quote Of The Day - \*Actions taken at the Shepherd Hotel were done by private people corresponding with Israeli law, the Israeli government was not involved in the events.\* \* ...

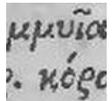
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 **FailedMessiah.com**

"No Government Will Get Me Out Of Yeshiva" - Yeshiva students respond to government

program encouraging haredi National Service.  
 'Real' Torah student will not sign up, some say.  
 'No government will get ...  
 3 hours ago

#### parshablog



What was Arov? - \*Summary\*: Wild beasts, or vicious flies. What do Jewish sources say? \*Post\*: Sometimes, I field parsha requests from the comment section. Here is one for ...  
 3 hours ago

#### Torat HaRav Aviner

Parashat Beshalach: Where did the splitting of the Red Sea occur? - [Commentary on Haggadah of Pesach] It is difficult to specify the site of the sea, where Mt. Sinai is, and exactly where the children of Israel traveled. T...  
 4 hours ago

#### Rationalist Judaism

The Critical Ramifications of Correctly Identifying a Scientific-Halachic Issue - Continuing from yesterday's post, I would like to illustrate two applications of the need to correctly differentiate scientific-halachic issues from halach...  
 8 hours ago

#### An Aspiring Mekubal

Journeys of Life Part VII: Dark Night of the Soul Begins - The day my wife walked out on me was definitely a dark day in my life. I wish I could say that it was the darkest, that I had hit rock bottom at that poin...  
 9 hours ago

#### Halocho a Day

Halocho #721 - In my house I'll do what I feel like? - You are not allowed to cause other people damage or even discomfort - even if you are in your own home and they are in the street or in their home. The exc...  
 9 hours ago

#### Let My People Know

"All things, all forces, are related, even if only by analogy" - It has been mentioned that all the expressions we use concerning Divinity are relative and derivative, and can be traced to our specific place in the wor...  
 11 hours ago

#### Daas Torah - Issues of Jewish Identity

Yisroel Weingarten - a secular legal analysis of his trial - Law.com Israel Weingarten, the yeshiva teacher charged in Brooklyn, N.Y., federal court with sexually abusing his daughter for seven years, since she was...  
 13 hours ago

#### the Dry Bones Blog

Fear of Flying - [image: Fear of Flying : Dry Bones cartoon.] According to the University of California, San Francisco \*UCSF scientists speak out against airport full-body ...  
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#### Izgard

Alice Cullen Eclipsed - So last night I finally got around to seeing Eclipse, the third Twilight film. Despite the fact that Eclipse was my favorite of the novels, I did not see it ...  
 15 hours ago

#### NishmaBlog

Torah T'mimah 2 - Proposed Enhancements - The Shaar haTziyyun on the Mishnah Brurah has been enhanced and expanded and has begun to catch on Similarly I propose a rewriting of the Current Torah T'm...  
 17 hours ago

**e Modern Uberdox**

Rockin' two of my favorite seforim on the iTouch -

A few weeks ago I discovered that you can go to Apple's App Store and get (for free) Mesillas Yesharim for the iPhone, iTouch, and iPad. The Mesillas Yesha...

22 hours ago

**Cross-Currents**

Missed Message - My dear and esteemed friend Jonathan Rosenblum has taken me to task in Yated Ne'eman for an Ami Magazine essay I wrote entitled "Our Not So Humble Opinio...

1 day ago

**e Emes Ve-Emunah**

The End of Emes Ve-Emunah? - In my daughter's eyes I am a hero I am strong and wise and I know no fear But the truth is plain to see She was sent to rescue me I see who I wanna be In my ...

1 day ago

**e Divrei Chaim**

where was the mizbeyach located -- halacha vs. reality - At a daf shiur where I am a sometimes once a week substitute I was asked the following question: how can the gemara (Zevachim 58-59) have a machlokes Tanai...

1 day ago

**e Tzedek-Tzedek**

Awareness Event in Bet Shemesh: Breaking The Silence - \*Sunday 16th January, 8pm. At Genesis Hall, Reishit Yeshiva, Rehov Rashi, Bet Shemesh. Light refreshments served. Entrance is free. Donations

to Magen & E...

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**e SoMeHoW Frum**

Flatbush Jewish Journal -

Whenever I visit Flatbush, I come away impressed with the Yeshiva community that resides there.

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**e On the Main Line**

One Jew daven's like a Yid, another davens like a Goy. But an urchin says, "Them's Jews." - Letter to the Jewish Chronicle June 8, 1917, proposing to resolve the question, Are Jews a nation or a religion?

3 days ago

**e Rationalist Medical Halacha**

The Shita of the Rosh and the Ran, and the Common Sense Principle - First of all, I sincerely apologize for the delay in writing these posts. Please understand that I have not given up this pursuit, I am only very busy and ...

3 days ago

**e Between Jerusalem and Tel Aviv**

If you're late for Shacharit .... - A wise man once said that is you are late for Shacharit, the first thing to get sacrificed are the korbanot. Unfortunately the reality is that relatively...

3 days ago

**e Rambam, Maharal, the weekly parsha and other topics in Judaism**

Pharaoh's Free Will - There are so many good topics to discuss in this week's Parsha of Bo. However, I would like to focus on the first verse of this week's parsha. It states (S...

3 days ago

**Rabbi Pruzansky's Blog**

[The Loss of Shame](#) - Monday's Wall Street Journal carried a picture of a contented Andrew Cuomo on his first full day as New York's new governor, leaving church services ...  
3 days ago

**Neandershort**

[Twiblings](#) - In last Sunday's New York Times magazine there is an article about two babies who were produced in a most unusual way, even in today's age of assisted repr...  
4 days ago

**Orthonomics**

[Free Download and Kosher](#) - A reader pointed out a get out of debt book that can be downloaded for free today only, "Debt Free for Life" by David Bach. There is a nice 10 point summar...  
4 days ago

**Baruch's Thoughts**

[Hard Libertarianism \(Part I\)](#) - Introduction When one Benzion Chinn wanted to dialogue with me regarding my supposed "authoritarianism" as an atheist who doesn't want pseudoscience taught ...  
5 days ago

**Jewish Philosopher**

[The Disease of Anonymous Bloggers](#) - [the hidden bloggers]  
From this morning's New York Times: Anonymity, Martha Nussbaum, a professor of law and philosophy at the University of

Chicago obse...  
6 days ago

**Nefesh HaChaim**

[Parshas VaEira:Hearing What You Daven](#) - The Sifsei chachamim makes an interesting diyuk in the parsha. By 9 of the makkos when Moshe davens to remove the makkos the Torah uses the loshon of 'vaye...  
1 week ago

**Believing is Knowing**

[Modesty \(Tzniut\) as Theology](#) - - In a conversation with my brother regarding the custom for men to cover their heads, he pointed out that Rambam considers it a matter of Tzniut – modesty. ...  
1 week ago

**Wolfish Musings**

[Photos: What Is It? The Answer!](#) - Earlier this week, I posted a photo and asked people to guess what was the subject of the photo. Here again is the photo: Canon XSi, 65mm macro lens (5x...  
1 week ago

**The Jewish Worker**

[Have we become Amish?](#) - Hamodia this past week printed a letter where the letter writer was very upset that an article a month ago seemed to promote computer use among students. H...  
2 weeks ago

**On The Contrary: Judaism with Comments Enabled**

[The Neuroses of Heinz Kissinger](#) - The recent release of the Nixon-Kissinger tapes has been reported widely in the Jewish community, particularly because of the latter's comment: The emigrat...  
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**Torah Ideals**

[Walking in Circles](#) - New psychological research provides still further confirmation of Torah wisdom: [http://jewishworldreview.com/1210/goldson\\_walking\\_in\\_circles.php3](http://jewishworldreview.com/1210/goldson_walking_in_circles.php3)  
2 weeks ago

**ThanBook**

[My Amidah Ia](#) - The first paragraph of the Amidah, or Shmoneh Esreh, is the most important. Chazal tell us that if we don't have proper kavvanah, intent, while saying this...  
2 weeks ago

**OrthoWatch**

[YWN links to porn?](#) - Someone started a thread on Yeshiva World about older threads that might be fun reads. I remember a particular thread whose name I won't mention, for reaso...  
3 weeks ago

**כבוד התורה**

**פרשת ויחי** - "ויחי יעקב" בבעל הטורים. לומר שלא היה ימים טובים בלא צער אלא כמנן ויחי. "ז' שנה משנולד יוסף וי"ז שנה במצרים... ששכר חמ  
3 weeks ago

**Angel Of Retribution**

[Dancing Fool](#) - The Conservative morons are already dancing their idiotic victory dance. They've got the House back, the Dem's "supermajority" is over, and from now on t...  
4 weeks ago

**יג"ב - YGB**

[Ari Shatkin's Pirkei Avos Presentation](#) - \*Ari Shatkin is a talmid at MTA in the 10th grade class to which I teach Tanach. Recently, one of my talmidim from last year, Yaakov Schonzeit, has begun g...  
4 weeks ago

**Mike In Midwood**

[Rating The Midwood Bakeries Again](#) - I came back to write this post since I assumed you all loved reading my adventures from bakery to bakery enjoy the post. Yes once again I'm rating the bake...  
5 weeks ago

**Honestly Frum**

[Tzadik Bah L'ir](#) - Our community has the great zechus this shabbos to hear from the Gadol Hador, Rav Aaron Lichtenstein shlita who is going to be at Rinat. Rav Aaron is goin...  
2 months ago

**Torah Musings**

[Rabbi Dov Kramer on the Parsha](#) - \*Taking A Closer Look (Rabbi Dov Kramer)\* "And Moshe wrote (put on parchment) this Torah, and he gave it to the Kohanim, the sons of Levi, the carriers of...  
3 months ago

**Danllouz.com - Zionism, Judaism and Leadership**

[You be Prime Minister #2 - Post-Zionism in the Academia](#) - In the past few months, various reports have demonstrated a heavy tilt in Israeli academic circles towards post-Zionist and anti-Zionist views. Some report...  
4 months ago

**Lulei Demistafina**

[The New Normal](#) - Once, when I was in the eighth grade, the boys in my class were discussing what to do with their bar mitzvah money. One of the boys mentioned something cal...

*4 months ago*

**Rejewvenate!**

[We Interrupt the Holocaust to Bring You...](#) - A chilling story about an Arab man sentenced to 18 months in prison by an Israeli court for rape of a Jewish woman because he posed as a Jewish bachelor i...

*5 months ago*

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