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 suspicious 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 and 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 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, Rav the 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-
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. 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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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 Terro...

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

parshablog

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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

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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 point... 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 ... 13 hours ago

Izgad

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. Similarily I propose a rewriting of the Current Torah T'm... 17 hours ago
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 Yeshay...

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...

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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...

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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

Tzedeck-Tzedeck
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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SoMeHoW Frum
Flatbush Jewish Journal - Whenever I visit Flatbush, I come away impressed with the Yeshiva community that resides there. Torah Vodaas, Chaim Berlin, Mir and many other Yeshiv...

3 days ago

On the Main Line
One Jew daven's like a Yid, another daven's 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

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

Between Jerusalem and Tel Aviv
If you're late for Shacahrit … - 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

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...
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...
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Baruch's Thoughts
Hard Libertarianism (Part I) - Introduction When one Benzon 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 davenens to remove the makkos the Torah uses the looshon 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...
2 weeks ago
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

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

Today's News

Hamas urges militant groups to stop Gaza rockets
The Guardian (blog)
The Jerusalem Post today quoted Taha as saying Hamas did not want to give Israel the excuse to "wage a new war against the Gaza Strip" – while reserving the ...

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By JERUSALEM POST STAFF Six dealt with the Obama administration and US-Israel relations and nine out of 10 were written as reactions to attacks on Israel or ...

10 of 11
Invisible Tracker

I'm not alone out here!

48048

Health Tip of The Day

Add Pictures of Wolves

When older adults participate in strength training programs, their self-confidence and self-esteem improve, which has a strong impact on their overall quality of life.