

Re Medt ↓ IMF

Reflections

Halachic Conundrums

By RABBI DR. SAMUEL A. TURK



Ever since the dissolution of the Sanhedrin unanimity in the observance of *Halacha* and the practice of Judaism ceased to exist. Thereafter, *Halachic* authorities arrived at different conclusions from the Talmud as to what the *Halacha* should be in various instances. Sections of Jewry would follow the opinion of the authority they recognized. In Egypt and in North Africa Alfasi and Maimonides were the recognized Torah authorities, whereas on the European continent Rabbenu Gershom and the School of Rashi were followed. Their decisions differed in many aspects of Jewish observance. When a person would find it difficult to follow a more stringent opinion,

New York Jewry conspicuously lacks consensus in the observance of many important *mitzvahs* and Jewish practice. For example, one would think that a fundamental precept like circumcision would be performed in the same manner everywhere. However, this is far from fact and is a situation which causes much confusion and frustration. Many *mohalim* (circumcisers) use clamps of various kinds to prevent post-circumcision bleeding. Developed by physicians, the "Gomco Clamp" was specifically prohibited by the Union of Orthodox Rabbis of America and Canada. The use of another clamp, the "Magen Clamp," is the subject of heated controversy.

Gaon, Chazon Ish, and a host of other reputable authorities. It is a known fact, however, that in the great yeshivas of Poland and Lithuania the *talmidim* utilized electric shavers and the *Rosh Yeshivas* countenanced them doing so. The use of these machines is so widespread among religious Jews today that prohibiting their use officially would cause great confusion and hardship. Nevertheless, one cannot ignore the fact that there is convincing *Halachic* evidence that prohibits the use of electric shavers.

A similar *Halachic* upset is being caused by a Torah scholar who inserts sizable

ads in a weekly Yiddish newspaper proclaiming that one is not permitted to eat meat in America today because there are no experts who have the know-how or the skill to properly devein the animals. Such a claim is a serious condemnation of thousands of observant Jews who eat meat. We can hardly afford to allow such an assertion to go uncontested or uninvestigated. *Halachic* commissions of existing rabbinical organizations should be probing into such questions and reacting in some plausible and feasible manner.

An area in which much *Halachic* confusion and permissiveness exists is that of funerals and bur-

ials. Many bodies are removed and burials performed by non-Jews. This is certainly not permitted according to *Halacha*. The Jewish public as a whole is also woefully uninformed as how to proceed in cases where death occurs on the Sabbath. As a result, much desecration of the Sabbath results. Many synagogues are lacking *Chevra Kaadisha*, burial committees. The rules of *Halacha* are often not clearly delineated by rabbis regarding the postponement of burials, cutting of *kriah* (rending of garments), procedures for proper burial and conduct during the period of *shiva* (mourning). As a result most people follow heresay

and decide what is proper to suit their own convenience.

Are women permitted to be members of synagogues and to serve as officers of congregations? In many orthodox synagogues such is already the case. Some congregations accept women as equal members, but deny them the right to serve on the Board of Directors or election to office. Some forbid both membership and election to office, while still others permit both. The fact that women enjoy such rights in some orthodox synagogues makes it extremely difficult for rabbis of other con-

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Some deplore all this as confusing. On the other hand, it has also been enriching. One cannot help but admire the different customs and practices of various segment of world Jewry. Judaism has avoided extreme monolithism. While this is true globally, the Torah has forbidden fractionalism in the observance of the commandments locally. "Ye are the children of G-d, your God: ye shall not cut

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Another *Halachic* matter which is causing much divisiveness is that of the *Eruv*. There is controversy as to whether an *Eruv* may be constructed to permit carrying on the Sabbath and on *Yom Kippur* in sections of large cities where more than 600,000 people reside. Consequently, the *Eruvs* in upper Manhattan, Boro Park and Flatbush have divided these communities. The late Rabbi Aaron Kotler, z"l, and the

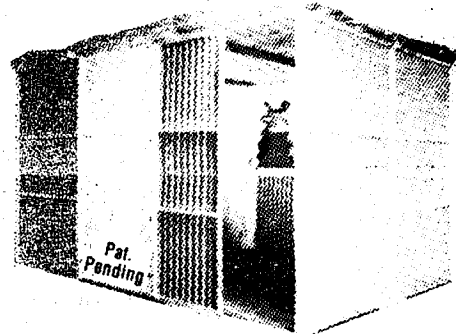
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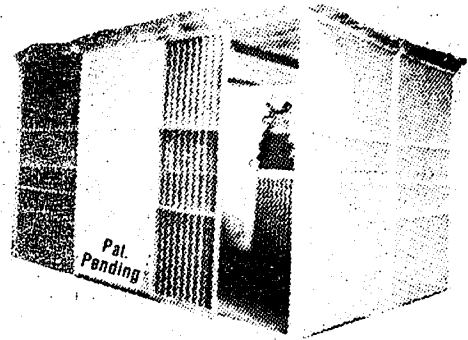
Therefore it is important for the Torah authorities in a given community to establish some sort of consensus of Torah observance, lest it lead to enmity and strife.

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Recently a young Talmudic scholar, Moshe Wiener, published a *Halachic* treatise, *Hadrash Ponim Zokain*, which has the approval of reputable Torah scholars. In it he discusses elaborately the permissibility of using electric shavers on one's face and concludes that it is prohibited. He quotes the Chofetz Chaim, who forbade their use, as did the

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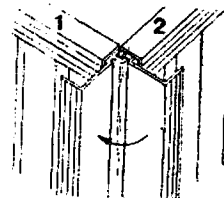


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