

LETTERS TO THE EDITOR

Division in our
Community

IT IS ASTONISHING to read the opening words in the Introduction to Volume 13 of *Hakirah*. We are told that "As Orthodoxy has grown in America over the last seventy years, division within the Orthodox community has grown as well." Reference is then made to an article in the same issue that describes the 1954 Yom ha-Azma'ut ceremony in Cleveland. Whatever happened in Cleveland, what occurred elsewhere with respect to Yom ha-Azma'ut and many other issues clearly demonstrates that intra-Orthodox divisions two generations ago were stronger than what divides the Orthodox community today. I was active in Orthodox life in the 1950s and although I am not presumptuous enough to suggest that my testimony is decisive, there is much else to point in the direction away from what your editors suggest.

To begin with Yom ha'Azma'ut, its celebration was a point of sharp contention, not only in an intellectual or *hashkafic* sense, but also in how 5 Iyar played out in many *shuls*.

There were fistfights and there were people who just simply stayed away or walked out and much else that demonstrated severe anger. Satmar and other chassidic groups sharply attacked those who commemorated the day, and although it would be more than a stretch to say that Satmar now accepts 5 Iyar, there is nothing within this chassidic community that comes close to what occurred while the Satmar Rebbe, Rabbi Yoel Teitelbaum, was alive.

There were constant battles between persons who reflected a Mizrahi orientation and those who identified with the Agudah. One of these battles concerned the epic struggle over the draft of women in Israel, culminating in the extraordinary demonstration in 1953 outside of the Israeli Consulate in Manhattan.

On the Shabbos after this demonstration, there were denunciations from the pulpit in a great many *shuls* whose rabbis were affiliated with the Modern Orthodox Rabbinical Council of America. I was present in several of these *shuls*, and the intensity of the attacks belies the notion that somehow the divisions today are greater than they were

then. There were denunciations of Rav Aharon Kotler, the main rabbinic figure in the yeshiva world, and there were calls for a cessation of support of Beth Medrash Govoha in Lakewood.

Rav Aharon was in the cross-hairs again several years later when he and ten other major rabbinic figures associated with the yeshiva world and Agudah issued a strong statement banning rabbinic and congregational membership in umbrella organizations together with the Conservative and Reform. This, too, evoked sharp denunciations from the Modern Orthodox and added to the schism within Orthodoxy.

In the mid-1960s, in an essay called "The Rabbis and the Deans," published in *Tradition*, the publication of the Rabbinical Council of America, Rabbi Immanuel Jacobowitz, then of the Modern Orthodox Fifth Avenue Synagogue, sharply attacked *roshei yeshiva* for usurping rabbinical authority. I responded in a long letter to the editor that was published, and Rabbi Jacobowitz upped the ante somewhat in a follow-up comment.

Several years later, in an article in *Jewish Life*, then the main publication of the Orthodox Union, I wrote of "The New Style of American Orthodoxy" and

described divisions between different segments of Orthodoxy. Rabbi Louis Bernstein responded in a letter to the editor that contained nothing complementary about *roshei yeshiva* and the yeshiva world and predicted that the influence of charedim would wane.

My point about these events and much else that can be added is not that one side was right and the other was wrong. My point is that there was intense intra-Orthodox conflict in the 1950s and 1960s, conflict that dwarfs anything that is apparent today.

Of note, despite this conflict and especially despite the division over membership in umbrella organizations with the Conservative and Reform, there was an important measure of intra-Orthodox cooperation on public affairs issues, including government aid to parochial schools and the expanding area of the rights of religious persons. This cooperation was forged through the National Jewish Commission on Law and Public Affairs (COLPA) which was established in 1965. I was its first president. In the briefs that we presented to courts and in public statements, all major Orthodox organizations joined to present a united front.

That unity is long gone, replaced by dueling press releases

sent out by the Orthodox Union and Agudath Israel. The absence of unity provides an explanation as to why despite the growth of American Orthodoxy, we are far behind what was achieved nearly two generations ago in government aid to parochial schools and in protecting the rights of Sabbath observers.

It remains, however, that the historical record clearly shows that fifty and sixty years ago, there was far greater enmity within Orthodox ranks than there is today.

Marvin Schick
Brooklyn, New York

The editor responds:

We thank Dr Schick for reminding us that division has always existed within the Orthodox community and that in the past, *mabloket* was expressed more passionately than today.

Nevertheless we stand by our statement that “division” has grown in recent years. Today there will be no fistfights in *shul* over Zionism, as that type of activity is reserved for warring factions within certain Chasidic sects. Today fervent Zionists and fervent anti-Zionists will not *daven* in the same *shul*. As Dr. Fried explains in his article “Should School Children of

Varying Backgrounds and Levels of Observance be Segregated?” today’s parents demand that their children be separated from those with only slightly different backgrounds.

In today’s world a Haredi rosh yeshiva feels comfortable coming to Flatbush to explain that in each generation the *sar shel Esav* takes on a different guise, and while for Hāzal it was Tzedukim... in our generation it is the Modern Orthodox.

Vaccination

IN HIS VERY informative and detailed article on vaccination (*Hakirah* 13) Rabbi Asher Bush focuses primarily on the dangers caused by those who refuse to have their children vaccinated, but he does not discuss the possible side effects brought on by the vaccines themselves (other than Thimerosal, a mercury-based ingredient), nor does he discuss their halakhic ramifications. The possible side effects of many vaccinations are well documented.

The Centers for Disease Control (CDC) on their web site lists mild and severe reactions related to no less than twenty-four different types of vaccinations. See <http://www.cdc.gov/vaccines/vac-gen/side-effects.htm#mnr>.

Pharmaceutical companies list

possible side effects of vaccinations on their packaging inserts.

NVIC, an advocacy group for vaccine safety, asks, "Why are so many of our highly vaccinated children so sick? Vaccination rates with multiple vaccines in America are at an all-time high and, with 1 in 6 vaccinated child in America now learning disabled; 1 in 9 suffering with asthma; 1 in 150 developing autism, and 1 in 450 becoming diabetic, this is a legitimate question." See <http://www.nvic.org/injury-compensation/nationalvaccine.aspx>.

VAERS, sponsored by both the CDC and the FDA, collects data about adverse events that occur after the administration of vaccines licensed for use in the USA. They write as follows: "VAERS receives around 30,000 reports annually... Since 1990, VAERS has received over 200,000 reports... Many different types of adverse events occur after vaccination. About 85–90% of the reports describe mild adverse events such as fever, local reactions, and episodes of crying or mild irritability. The remaining reports reflect serious adverse events involving life-threatening conditions, hospitalization, permanent disability, or death, which may or may not have been caused by a vaccine." See <http://vaers.hhs.gov/about/index>.

The federal government, ad-

ressing the unfortunate side effects of vaccines, established in October 1, 1988 the National Vaccine Injury Compensation Program (VICP) to, among other things, provide compensation to individuals found to be injured by vaccines.

The possibility of side effects brought on by vaccinations is real and should be discussed in an article dealing with vaccination and halakhah.

Malka Nussbaum
Queens, NY

Rabbi Asher Bush responds:

I thank Ms. Nussbaum for her letter, not just because it shows interest in this important topic, but more significantly because it highlights precisely why there is a need for this article in our community. While the anti-vaccination movement has led to both confusion and the spread of disease in both Europe and America, that confusion takes on a new dimension in the Orthodox Jewish community where incorrect or exaggerated ideas about medicine are conflated with Torah values. I will address the points she has brought up in the order presented in her letter:

I did not address the halakhic ramifications of the "risks" she wishes to introduce into this top-

ic because there are no halakhic ramifications. As will be addressed below, any vaccination that presents possible significant risks does so in such statistically insignificant numbers as to have no role in the halakhic process.

The CDC indeed lists the various risks associated with different types of vaccinations. However, when one actually reads this list it is clear that the overwhelming majority of “risks” are best described as “minor inconveniences” such as soreness or bruising around the vaccination area or, less commonly, mild aches or fevers. In fact, some of the most severe risks reported there are described by the CDC as so rare that is impossible to state whether the vaccination is actually the cause of the problem. It is important for those who wish to use the information on the CDC website as a reason not to vaccinate to note that the CDC as national guardians of our health is one of the leading advocates of universal childhood vaccinations. Were the CDC to feel that the risks are significant, such recommendations would not be made. On the contrary, in a number of cases they write the following: “Getting diphtheria, tetanus or pertussis disease is much riskier than getting DTaP vaccine,” or “Getting MMR vaccine is much safer than getting

measles, mumps or rubella,” and “Serious problems from inactivated influenza vaccine are very rare. The viruses in inactivated influenza vaccine have been killed, so you cannot get influenza from the vaccine.”

The fact that pharmaceutical companies list possible side effects is more a sign of the litigious society in which live, where even cups of hot coffee come with warnings that they are “hot.”

The most disturbing feature of this letter was the section referring to and quoting the NVIC, which asks, “Why are so many of our highly vaccinated children so sick?” etc. This is completely unscientific and most misleading. While the NVIC throws out alarming innuendos, absolutely no scientific evidence is presented or exists to take such claims seriously. Are these vaccinated children suffering in rates higher or lower than the unvaccinated population? Is there any relationship between the maladies mentioned and the diseases being vaccinated for? Has any of this been subject to a scientific study? Just to address one of the innuendoes quoted, the fact that diabetes is at an all-time high, this fact more likely corresponds to the obesity epidemic (epitomized by “super-sized portions”) and a lack of

exercise and is unrelated to the fact that children are protected from polio or measles. And once again the red herring of autism is brought up, despite this claim's having been fully debunked to the extent that Dr. Andrew Wakefield (lead author of the study that spread this misinformation) has lost his right to practice medicine in Great Britain for having perpetrated this fraud on the public. A serious look at their website shows a highly alarmist, unscientific approach, including a "memorial wall to the victims of vaccinations," which has fueled much of this movement.

The fact that the CDC and FDA maintain VAERS (Vaccination Adverse Event Reporting System) is hardly a reflection on the lack of vaccine safety, as it does quite the opposite. It is an additional level of caution that the various governmental bodies maintain to protect the safety of this important part of health care. It should be noted that the overwhelming majority of reports received are of no consequence, with most of the claims being either incorrect or of minimal medical significance. On the rare occasions when the claims are grounded and of medical significance, corrective actions are taken making vaccinations even safer. The suggestions that the

very existence of this Reporting System is ipso facto proof of the grave risks of vaccinations is factually incorrect. The fact is that The National Childhood Vaccine Injury Act of 1986, which led to the creation of VAERS, was enacted to reduce the potential financial liability of vaccine makers due to injury claims. The legislation was aimed at ensuring a stable market supply, and to provide cost-effective arbitration for vaccine injury claims. As much as the FDA watches and protects the safety of the food supply in our country, so too the various governmental bodies watch and protect the vaccinations, medicines and various medical procedures to help ensure maximum safety and effectiveness. The fact that on rare occasions various fruits, vegetables or processed foods (such as meat, poultry or peanut butter) may bring health or sanitary problems is hardly viewed as a reason to remove those foods from the menu; rather it is a reflection of the fact that healthy/safe living requires vigilance. Such events are rare with foods and far rarer with medicines and vaccinations, although when they do happen there is great publicity.

The recent (summer and fall of 2012) outbreak of fungal meningitis related to the steroid in-

jections used to alleviate back pain may seem to provide some in the anti-vaccination camp with the “proof” of serious scientific evidence that heretofore has been lacking, but such is far from the case. As correctly reported in the popular media, the source of this fungus is a “compounding pharmacy,” which by definition is not subject to the approval and regulation of the FDA. These are often drugs obtained from manufacturers that are then split into smaller doses and create significant opportunities for contamination if the sterile conditions are not properly maintained. This is not the first such episode with this same steroid, nor was this the first time that this particular company has been forced to stop production due to FDA intervention. Many have long worried that this industry lacks the same high level of oversight that is present in the manufacture of FDA-regulated drugs and vaccinations.

In our religion there are many areas where we lament the passing of the “good old days.” This is true in terms of the lack of the Beit HaMikdash, the loss of great rabbinic sages and of many great communities and institutions; one area where we never looked back was the poor level of health care and sanitation of prior generations. We

have always appreciated and taken advantage of the advances brought by science; the use of vaccinations is a prime example where to do anything less would be to cheat our community and our children of the best we can offer.

High-Handed Transgressions

I THANK DAVID GUTTMAN for his article. Following are a few comments:

1. On p. 236 Mr. Guttman refers to “Rambam’s four novel categories of transgressions...” This is probably a typo. Only the fourth category is novel. *Ones*, *shogeg* and *maizid* are not novel categories.
2. Professor Gerald Blidstein wrote an article titled “The Other in Maimonidean Law” (*Jewish History* 18:173–195 2004) in which he elucidates the novelty of Rambam's category of *yad rama*, particularly on pp. 180–182. He also makes the point that punishing such a person would be limited to one who acts publicly and that it is more of a preventative measure. He also points out that the incident in the end of *Sefer Yehoshua* where an altar is built on *ever ha-*

yarden (ch. 22) is an example of what Rambam refers to in the *Moreh*. The main point of his article is different from Mr. Guttmann's, but there is overlap particularly in the *yad ramah* category.

3. The Netziv in *Bemidbar* 15:30 quotes Rambam in the *Moreh*, probably one of the few times that he quotes the *Moreh*. I am surprised that it was not referenced.

4. If I remember correctly, in *Iggeret Hashmad* Rambam refers to a midrash where one of Chazal under duress said something heretical but he did not believe that it was true. This might serve as a corollary to the *yad ramah* category—that just as the attitude can transform an *averiah* to an act of heresy, so too stating something heretical without believing it can be permitted if one's life is in danger.

Neil Normand
Teaneck, New Jersey

David Guttmann Responds:

I thank Neil Normand for his comments and for taking time to

share his thoughts.

1. I was referring to the novelty of having four categories vs. the normative three. Indeed only the fourth one is novel.

2. I thank Mr. Normand for referring me to Professor Blidstein's article. Though I am a fan of his writings I was not aware of the article.

3. I missed the Netziv and I should have referenced both the Netziv and Professor Blidstein. I thank Mr. Normand for his diligence.

4. I am not sure that there is a parallel between *yad ramah* and the cases mentioned in *Iggeret Hashmad*. The cases there are about *tannaim* who were pressured and responded with ambiguous language that could be, but need not necessarily be interpreted as acquiescence. Rambam's point is that such subterfuge can be used temporarily to protect oneself in a dangerous situation. I would not deduce from this that Rambam would condone a clear unambiguous acquiescence to *avodah zarah* as long as one did not believe it. ❧