
Modernity as Seen Through the Responsa of Rabbi Yehudah Leib Zirelson

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I. INTRODUCTION

Rabbi Yehudah Leib Zirelson (1859-1941) was born in what is today the Ukraine.¹ Rabbi Zirelson was a prolific writer and essayist, publishing a number of volumes of responsa, many articles in the Hebrew press, and even a volume of poems. He was active in the Zionist movement and was one of the founders of the Mizrahi religious Zionist movement. A number of years later he left the Zionist movement and was one of the founders of Agudath Yisrael, a non-Zionist movement within Orthodox Judaism. In 1908 he was appointed to be the official state rabbi of Kishinev.

Rabbi Zirelson became the chief rabbi of Bessarabia, which is today in Moldova, in 1918, after it was annexed by Romania. He was active in communal and educational work within the Jewish community, both in Romania and in other countries within Europe.² He was even elected to the Romanian parliament in 1922. Rabbi Zirelson was killed in 1941 when the Nazis occupied Kishinev.

The years in which Rabbi Zirelson served as a rabbi were witness to dramatic changes that also affected Jewish life. These changes were social, political, cultural, and technological. The questions that Rabbi Zirelson was called upon to answer in his responsa reflect these changes. He answered questions about assimilation, medicine, modern communications and Jewish-Gentile relations. The questions came not only from those within his own community and country, but also from rabbis in countries throughout Europe and the world.

For this article, I examined three volumes of responsa that were written by Rabbi Zirelson: *Sefer Gevul Yehudah* (Pietrokov, 1906); *Atzei ha-Levanon* (Cluj, 1922); and *Ma'arachei Lev* (Kishinev, 1932).³ Rabbi Zirelson published numerous other responsa in journals and newspapers, but I limited my examination to those found in these three volumes of responsa. I will examine how the major changes of modernity are reflected in Rabbi Zirelson's responsa. My focus will be on the historical and social changes that are reflected in the responsa and not on the legal methodology that is found in them.

II. ASSIMILATION AND APOSTASY

The challenges of assimilation and intermarriage did not pass over the communities in which Rabbi Zirelson served. In his responsa he addressed numerous questions

relating to these issues. In one responsum he was asked whether a certain person was fit to serve as the prayer leader (*sheliaḥ tzibbur*) for a community.⁴ People seemed to be pleased with the prayer leader's professional performance, but a number of people wanted to prevent the prayer leader from leading religious services because his daughter became an apostate.

Those who wanted to remove the prayer leader based themselves upon an opinion quoted in the *Be'er Heitev*, a 18th century commentary on the Shulhan Arukh by Rabbi Yehudah Ashkenazi,⁵ about the effect that the behavior of the daughter of a priest (*kohen*) might have on her father's status. Rabbi Zirelson rejected the interpretation of the law that is found in the *Be'er Heitev*. He based his ruling on a number of arguments. One of his reasons was that the original law related specifically to a priest and not to a prayer leader. Rabbi Zirelson brought an additional reason that highlights his awareness of changes that have occurred within Jewish society. He claimed that today even the status of a priest is not affected by his daughter's behavior. If the status of a priest would not be affected by his daughter's behavior, all the more so that this community should not damage the livelihood of the prayer leader.

Another responsum addressed the status of a prayer leader whom people saw eating and drinking on *Yom Kippur*.⁶ Rabbi Zirelson called for a court to convene that would listen to the testimony of those who saw this alleged behavior. If the court came to the conclusion that the charges were true, then the prayer leader was to be removed from his position.

A third responsum that addressed the question of irreligious behavior was about the son of a ritual slaughterer.⁷ For a number of years the son had "intentionally transgressed many serious prohibitions such as: violating the Sabbath in public, shaving his beard, etc." The father has since passed away and the son has repented and become religiously observant. He now wants to occupy the position of ritual slaughterer that was his father's.

Rabbi Zirelson emphasized the important status of the ritual slaughterer within a community and how there were traditionally strict demands about who was fit to be appointed as a ritual slaughterer. He felt that today the restrictions should be even more demanding.

One must see to it that the ritual slaughterer is more God-fearing than those of the past. In the case of any small matter, whatever it may be, it is therefore proper to remove him from his position.⁸

According to Rabbi Zirelson, modernity sometimes calls upon people to be even more strict than their ancestors had been in the past. In addition, Rabbi Zirelson called into question the sincerity of the son's return to religion.

Rabbi Zirelson answered a number of other questions about Jewish apostates who now wanted to return to Judaism and the Jewish community. One addressed an

apostate who on his death bed asked to repent.⁹ Since the potential penitent was confined to bed, the rabbi asking the question wanted to know an appropriate substitution for the custom of returning apostates to immerse themselves in a ritual bath (*mikveh*).¹⁰

Rabbi Zirelson responded that the practice of having a returning apostate immerse in a ritual bath is just a custom and is therefore not required. In addition, since the individual is physically unable to perform such an act, there was no need to require it. He wrote that "God forbid we should shut the door in the face of this returning apostate," he should be welcomed with "open arms."

Another apostate on his death bed expressed regret for his behavior and expressed a desire to receive a traditional Jewish burial.¹¹ The problem was that according to the laws of the state he was Christian and therefore had to be buried in a Christian cemetery. A few months after his death and burial in a Christian cemetery, the family received permission from the government to transfer his body to a Jewish cemetery. They wanted to know whether the disinterment of the body was permitted according to Jewish law. Rabbi Zirelson responded that of course this was permitted, but he should not be buried near his father. This was based upon the Talmudic dictum that "one does not bury an evil person near a righteous person."¹² He should be buried in the Jewish cemetery, but in a special plot in the corner that was separated from the other graves by a fence.

Rabbi Zirelson also answered a question about a female apostate who wanted to donate money to a synagogue.¹³ After a quick survey of the relevant halakhic literature, Rabbi Zirelson claimed that there was ample support for accepting the money. He added two additional reasons to help justify accepting the apostate's money: 1. The desire to distance ourselves from enmity; 2. The importance of welcoming the apostate to the holy community of Israel, an act that may help facilitate her complete repentance. Rabbi Zirelson's attitude towards these apostates shows how he attempted to welcome them back into the Jewish community within the parameters of Jewish law as he understood them.

Rabbi Zirelson also confronted the growing phenomenon of intermarriage. He responded to a question that was sent to him from Brazil about numerous Russian Jewish men who immigrated to Brazil and married Gentile women.¹⁴ These couples were married in civil marriage ceremonies and these women now wanted to convert along with any children that may have been born. Rabbi Zirelson permitted these women to be converted for the following reasons: 1. The women have already married the Jewish men in civil ceremonies and the situation should be considered as a time of great need (*"she'at ha-dehuk"*); 2. The Jewish men should be saved from the sin of sexual relations with a Gentile woman; 3. Since they are already married, the conversion is not for the sake of personal relations (*"leshem ishut"*).

That these couples were already married in a civil marriage ceremony allowed Rabbi Zirelson to adopt a lenient approach toward the conversion of these women. Since they were already married, the women weren't converting in order to marry these men. An

important legal principle that Rabbi Zirelson used was “*she’at ha-deh^hak ke-diavad dami*”, that a time of great need should be considered as if it was after-the-fact. The use of this principle allows the halakhic authority to adopt a more lenient position since they understand the current circumstances to be a time of great need, and rules that usually only apply after-the-fact can now be applied *ab initio*. Another responsum was about the baby of a Jewish man and a Gentile woman.¹⁵ The woman had no intention of converting, and the father wanted to circumcise the son. Rabbi Zirelson ruled that the child could be circumcised even if the father was not going to have him immersed in a ritual bath, an act that would signify that the circumcision was to be part of the conversion process. Despite his lenient opinion, Rabbi Zirelson called upon the local rabbi to try and convince the father to have his son immersed in a ritual bath in order to complete the conversion. This responsum was criticized by numerous rabbis¹⁶ and in a subsequent responsum Rabbi Zirelson responded to one of his critics, Rabbi Mordechai Roller.¹⁷ Rabbi Zirelson claimed that his decision was correct for the specific circumstances of the incident that he discussed and that these circumstances were different than those about which previous authorities wrote about. In this specific case the father was expressing a desire to bring the child into the Jewish community, and hopefully he would eventually convert the child. If we reject his desire to have his son circumcised, the chances are slim that he would later have him converted. Despite this permissive opinion, Rabbi Zirelson wrote that the final decision was in the hands of the local rabbinic authorities.

Another controversial responsum of Rabbi Zirelson about conversion had to do with a female convert who wanted to marry a member of the priestly class (“*kohen*”).¹⁸ The woman had previously converted to Judaism, she subsequently met a Jewish man and they decided to get married. Rabbi Zirelson permitted the marriage and his justification was that the prohibition of a *kohen* marrying a convert was only rabbinic and there was also the fear that God’s name would be desecrated if the rabbi refused to perform the wedding. While he may have permitted the marriage to be performed in this specific case, Rabbi Zirelson called upon the officiating rabbi to announce that this decision was only for a time of great need, *she’at ha-deh^hak*, and that it should not be relied upon as precedent for other cases.

Rabbi Zirelson also addressed the status of civil marriages.¹⁹ He was asked whether a woman needs a *get*, a religious divorce, if she was married to her husband in a civil ceremony.²⁰ Rabbi Zirelson obligated the woman to receive a *get* for the following reasons: 1. There is a public status to the married life that the couple has been living, and that by itself is enough to require a Jewish divorce; 2. The content of certain parts of the civil marriage document are similar to traditional Jewish marriage vows; 3. It is possible that the couple facilitated the legality of their marriage through intercourse.

The final responsum that we will address in this section is about whether someone who violates the Sabbath can be called up to the Torah.²¹ Since the person was only

suspected of transgressing a rabbinic prohibition, Rabbi Zirelson wrote that the rabbi should explain to the person the seriousness of violating the Sabbath, but in order to minimize discord, the rabbi should allow him to be called up to the Torah.

III. MODERN MEDICINE

Rabbi Zirelson answered a number of questions about advancements in modern medicine. He was one of the first halakhists to discuss whether in-vitro fertilization (IVF) was permissible or not.²² Rabbi Zirelson's answer was an unequivocal no. He considered IVF to be Biblically prohibited, whether the sperm was from the husband or from another man. Rabbi Zirelson addressed a number of other questions about health issues that were related to women. He ruled that a woman who was told by doctors that a pregnancy would endanger her health was allowed to use birth control.²³ Another question was whether a woman had to observe "seven clean days" after a gynecological examination.²⁴ Rabbi Zirelson ruled that it was unnecessary.²⁵

Rabbi Zirelson answered a number of questions concerning circumcision. Because of medical reasons a boy was unable to be circumcised until he was five years old and his mother would only allow him to be circumcised if he was anesthetized.²⁶ Rabbi Zirelson examined whether pain was supposed to be an essential component of the circumcision. He concluded that pain was not an essential component of the circumcision, but he was still uncomfortable with the use of anesthesia. He couldn't find a specific reason to prohibit the use of anesthesia, but he observed that it would be against the accepted practice to use it. Despite his hesitancy, Rabbi Zirelson permitted the use of an anesthetic since the mother was not trying to make a statement against Jewish custom, rather, she was just showing compassion for her son.

Another question was about a father who didn't want the *mohel* to perform *metzizah*, the sucking of blood from the circumcision wound.²⁷ Rabbi Zirelson's answer was based upon discussion by doctors about the medical efficacy of the procedure. He quoted a number of doctors who claimed that *metzizah* was beneficial from a health standpoint, and he was willing to compromise and have *metzizah* done after the circumcision with a glass tube and not with one's mouth. Rabbi Zirelson was willing to compromise on the method of *metzizah*, but not on the act itself.

Rabbi Zirelson also addressed the case of a baby who was born with a deformity in his legs that required the application of bandages, or possibly braces, to his legs.²⁸ The bandages would make it impossible to circumcise the boy on the eighth day. Rabbi Zirelson wrote that there was an obligation to apply the bandages and that healing the boy takes precedence over performing a circumcision on the eighth day. He based his response on two claims: 1. Respecting the dignity of an individual (*kevod ha-briyot*) takes precedence over a positive commandment; 2. The obligation to heal the child is immediate, while the obligation to circumcise him has yet to apply since it was before the eighth day.

The last question relating to medicine that I will discuss regards animal experimentation. Rabbi Zirelson was asked whether it was permitted to cause pain and distress to animals for the sake of medical knowledge.²⁹ He responded that it was permissible to conduct animal experiments as long as there was a scientific or medical necessity for such experimentation. Animal experimentation was forbidden if there was no such necessity.

IV. MODERN COMMUNICATIONS

Modern methods of communication, especially the mail, raised numerous halakhic questions that were addressed by Rabbi Zirelson. Many of them addressed whether the mail system was a reliable substitute for the traditional role of a *shaliah*, a messenger, who would testify about a person's marriage, divorce, or death.³⁰

In one responsum Rabbi Zirelson permitted the appointment of witnesses through the mail.³¹ There are a number of other responsa that discussed a *get* that was sent through the mail, and the questions assumed that it was permitted to send a *get* through the mail. Their focus was on the text of the *get* itself and not whether it was permissible to send a *get* through the mail.³²

A number of responsa relating to mail addressed the eligibility of the person sending the *get*.³³ In one of the cases discussed by Rabbi Zirelson, the husband was deaf from birth. The deafness of the husband raised two *halakhic* issues. One was that a deaf person cannot be a *shaliah*, a messenger.³⁴ The other was that a deaf man both marries and divorces a woman through signing.³⁵ Rabbi Zirelson decided that in order to divorce his wife, a deaf husband must see his wife face-to-face and at that time he should sign to the scribe and the witnesses his desire to divorce his wife.

Rabbi Zirelson addressed a number of responsa related to mail during wartime. He was asked whether a Jewish soldier who was serving on the Japanese front in the Russo-Japan war could appoint a scribe and witness through the mail in order to write a divorce document for his wife. The scribe would then write a *get* for his wife and deliver it to her. The soldier wanted to take this step since he feared that something might happen to him.³⁶ Rabbi Zirelson permitted him to appoint all of these people through the mail, even including a copy of the letter of appointment that the man should use in order to make sure that everything was done according to the *halakhah*.

Another area related to mail service during wartime was whether the notification of death by a government letter or telegram was valid proof of death.³⁷ One responsum was about a woman whose husband fought in World War I. He had gone missing and for a number of years nobody had heard from him. She sent a letter to the army and inquired about her husband's whereabouts. The response that she received included the details about the death of her husband during the war. The woman wanted to know whether she was able to rely upon this letter in order to remarry.

Rabbi Zirelson responded that the woman was permitted to rely upon the letter from the military as proof of her husband's death. He assumed that the army would have very little reason to lie to the woman about the fate of her husband and that a clerk who would be caught lying could expect to be punished. This fear of punishment was enough to minimize the possibility that the notification was false. Rabbi Zirelson also wrote that there was very little fear that someone tampered with the mail, since the mail was known to be very reliable. He also wrote that the army clerk was not speaking just for himself, but rather for a whole group of military clerks. This transformed the testimony of one army clerk, who qualified as one witness, into the testimony of numerous witnesses.³⁸

Another interesting responsum that addressed modern communications was about a person who disappeared while traveling.³⁹ The man's wife heard a number of rumors about a man who may be her husband that had died in another city. City officials sent her a picture of the deceased individual. The rabbi who was asking the question showed the picture to a number of people and they identified the individual in the picture as the woman's husband. Rabbi Zirelson was asked whether the rabbi can rely upon the identification of this man that was done with the help of a picture.

Rabbi Zirelson's responsum began with a description of the nature of photography. He described all of the stages of photography, film making, and the development of film. According to him, the chances that this picture was staged were very slim and therefore the photograph should be accepted as a reliable testimony for the death of this woman's husband.

V. TECHNOLOGY AND *KASHRUT*

The years in which Rabbi Zirelson served as a rabbi saw many advances in technology. I have already discussed the ways in which Rabbi Zirelson confronted changes in the social makeup and behavior of the Jewish community, medicine, and modes of communication. In this section, I will address issues related to modern food production and *kashrut*. The increasing industrialization in food production raised numerous issues in the area of kosher food production, and Rabbi Zirelson was called upon to address these issues a number of times.

One question asked of Rabbi Zirelson was about cooking vessels manufactured from a new material called "*teshugun*," which was a composite of metal and earthenware material.⁴⁰ The first thing that Rabbi Zirelson did was to discuss the nature of this composite material. He wrote that he relied upon literature about chemistry in order to clarify the exact nature of this composite material. The responsum included a discussion of the chemical properties of the material, and Rabbi Zirelson concluded that the material was made up of metal, ceramic, graphite, and lead. It was important for Rabbi Zirelson to address the exact make up of the material, because not knowing what the

material was actually composed of would make it very difficult to determine whether it was permissible to *kasher* the vessels.

Rabbi Zirelson concluded that you could *kasher* vessels made of this material for the following reasons: 1. The prohibition of kashering a ceramic vessel with a flame (*libun*) was based upon the fear that the vessel might crack from the strong heat.⁴¹ With regard to this new composite material, there was no fear that the vessel might crack. He claimed that based upon the evidence, “*teshugun*” wasn’t damaged by a high temperature. In order to strengthen his argument, Rabbi Zirelson mentioned the high temperatures that the material was subjected to during its production. A second reason that Rabbi Zirelson permitted kashering vessels made from this substance was that in determining the nature of material, we follow the properties of the majority of the substance, which in this case was metal.⁴²

Rabbi Zirelson also addressed the kashrut of cheese manufactured by a non-Jew.⁴³ The major *kashrut*-related issue in the production of cheese is the rennet, the coagulating agent. It is possible that the rennet was made from the stomachs of either non-kosher animals, or kosher animals that weren’t slaughtered in a kosher manner.

As with the previously discussed responsum, Rabbi Zirelson first addressed the technical issues that affected the question, which in this case were the production of cheese and rennet. In this responsum he included extensive quotations from scientific and chemical literature that described the production and manufacture of cheese and rennet. In order to answer the question, Rabbi Zirelson first had to clarify the facts that were related to the question.

After reviewing the manufacturing process of the rennet, Rabbi Zirelson permitted cheese manufactured with generic rennet for the following reason. The stomach of a non-kosher animal or that of a kosher animal that hasn’t been properly slaughtered has undergone so many changes as the result of being treated with chemicals that it is no longer considered to be the original food. It loses its non-kosher status.

The opinion of Rabbi Zirelson was based upon a ruling that is brought in Rabbi Moses Isserles’s comments on the *Shulhan Arukh*, and is originally found in the 12th c. halakhic work *Shibbolei ha-Leket*.⁴⁴ According to the source from *Shibbolei ha-Leket*,⁴⁵ if a piece of meat has been dried so much that it is like wood, it loses its meat status. From this source Rabbi Zirelson concluded that non-kosher meat would lose its non-kosher status if it was dried out and treated with chemicals. In this case, Rabbi Zirelson was only able to rule leniently because he first clarified the chemical process that produced the rennet.

Rabbi Zirelson also answered a number of questions related to whether food was kosher for Passover that arose as a result of changes in the manufacturing process. One question was about the use of steam-powered flour mills and whether this flour was permitted to be used for *matzot*.⁴⁶ As with other responsa about new technological

innovations, in this responsum Rabbi Zirelson first reviewed the actual mechanics of steam-powered flour mills. How were they built? Are all of the parts removable? What was the temperature that was reached during the production of the flour?

Rabbi Zirelson wanted to determine what was the size of the parts that actually touched the flour and how hot they were. According to his understanding of the process, the actual size of the parts that touched the flour was relatively small and they didn't reach a very high temperature. On the basis of his technical understanding of the process, Rabbi Zirelson wrote that the halakhah permitted to use steam-powered flour mills for Passover. He did not arrive at this opinion without addressing possible doubts. He wrote that "since we are coming to permit something that is new" there was a need to answer all of the possible objections.

Rabbi Zirelson was asked two other questions related to Passover, both of them were about machine-made *matzot*.⁴⁷ The first question was about the separation of *hallah* during industrial scale production of *matzah*.⁴⁸ Who was obligated to separate *hallah* from *matzot* were manufactured on an industrial scale? The machine operator? The private individual at home? Rabbi Zirelson decided that the obligation to separate *hallah* was incumbent upon the private individual at home and not on the machine operator.

The second responsum related to machine-made *matzot* was whether it was at all possible to bake kosher machine-made *matzot*.⁴⁹ Rabbi Zirelson wrote that machine-made *matzot* were already manufactured and eaten in many places. According to his opinion, if there was proper rabbinic supervision then there was no *kashrut* problem with them. Rabbi Zirelson did say that if the *matzot* were to be used in order to fulfill the commandment of eating *matzah*, then they must be baked for the sake of the commandment of eating *matzah*. This would require that no Gentile be involved in certain steps of the *matzah* baking process in order to guarantee that the baking was done for the sake of the commandment of eating *matzah*.

Another Passover-related question that Rabbi Zirelson answered had to do with the *kashrut* of generic sugar for use on Passover.⁵⁰ Rabbi Zirelson was aware of the changes that occurred in the production of sugar, "the production of sugar is essentially different in our days than during previous generations."⁵¹ According to Rabbi Zirelson, the modern production of sugar minimized the possibility that the sugar could come into contact with *hametz*. This question was asked during the World War I, and Rabbi Zirelson requested that this opinion only be relied upon in the current *she-at ha-dehak*, time of great need.

VI. TECHNOLOGY

Rabbi Zirelson answered numerous questions that addressed the impact of modern technology on various areas of Jewish observance. One responsum was about the permissibility of using a telephone on the Sabbath or holidays.⁵² The first thing that Rabbi

Zirelson did was to explain how a telephone works, describing its electronics and functioning. He rejected two common reasons used by rabbis who prohibit the use of electrical devices on the Sabbath, *tikkun maneh* (making a tool usable) and *boneh ve-setirah* (building and destroying).⁵³ The reason that he rejected the application of the prohibition of *tikkun maneh* was that the telephone was ready to be used since it was already connected to the phone system. The prohibition of *boneh ve-setirah* didn't apply because simply putting in, and taking out the wire from a phone jack, doesn't qualify as *boneh ve-setirah*.

Despite his rejection of these two potential prohibitions, Rabbi Zirelson did prohibit the use of a telephone on the Sabbath or holidays. The reason for the prohibition that Zirelson did find was in the ring caused by the phone. The phone ring was a transgression of the prohibition of *hashma'at kol*, the creation of a noise.⁵⁴ An additional problem was that, according to Rabbi Zirelson, the transmission of an electrical current through telephone wires caused sparks.⁵⁵

Rabbi Zirelson also answered a number of questions about halakhic issues raised by the use of a radio. One of these responsum was about whether a person was able to fulfill their legal obligations if they heard the blowing of a shofar or blessings over the radio.⁵⁶ He prohibited the ability to fulfill one's obligation in this manner because the listener doesn't know the identity of the performer of the act, and they might be someone who is invalid for such a responsibility, such as a heretic, and therefore unable to fulfill another person's obligation.

One rabbi corresponded with Rabbi Zirelson about this issue and offered to him another potential problem.⁵⁷ According to this rabbi, it was possible that somewhere between the performer of the action and the listener there was a place of filth, *makom metunaf*.⁵⁸ The telephone wires may pass through this *makom metunaf* and it would be inappropriate for prayers or other holy acts to be close to such filth. Rabbi Zirelson rejected the possibility that this posed a problem, and said that this was only a minority opinion.

He was also asked whether one transgressed the prohibition of hearing a woman's voice, *kol be-ishah ervah*, if the voice was heard over the radio.⁵⁹ He permitted hearing a woman's voice over the radio, as long as it wasn't during the recitation of the *shema* or the *amidah*. Since the listener wasn't actually seeing the woman singing, it was unlikely that his evil urge would get the best of him.⁶⁰

Another responsum of Rabbi Zirelson that was related to technological advances discussed stenographic writing on the intermediate days of a festival.⁶¹ On the intermediate days of a festival it is prohibited to write, except in very specific circumstances.⁶² Rabbi Zirelson praised stenography and surveyed the history of writing. He mentioned that writing from thousands of years ago was found in Egypt. He concluded that stenographic writing, even if done for a public need, was prohibited on the intermediate days of a festival unless it was for a purpose that was related to the festival itself.

Rabbi Zirelson also answered a question about the implications of modern architecture on the *halakhah*. He was asked about a ritual bath (*mikveh*) whose architecture was different than previously built ritual baths.⁶³ In contrast to older ritual baths that were built within the ground, this ritual bath was built above the ground. The water came from a deep well within the earth. Rabbi Zirelson said that in normal times (*zemanim ke-tikkunam*) one should be strict and prohibit such a ritual bath, but “in our days [when] the generation is very weak” one should decide leniently. He also pointed out that the aesthetic nature of this newer ritual bath was higher than that of older ritual baths, and he hoped that this might draw people closer to religion.

On the basis of an examination of Rabbi Zirelson’s responsa that address questions related to technological innovations, it is possible to formulate a number of conclusions about Rabbi Zirelson’s approach towards modern technology. First, Rabbi Zirelson felt that a firm knowledge of the technology behind instruments and machines was required in order to answer a halakhic question about these instruments and machines. Until he knew how a telephone worked, he was unable to decide whether it was permissible to use one on the Sabbath. The second is that technological innovation is something that is to be embraced as a part of modern life. There was no hesitancy on his part about using such machines, they are a fact of life, and Jewish law must decide how they will be integrated into a traditional Jewish lifestyle.

VII. JEWISH-GENTILE RELATIONS

The increasing integration of Jews into the general society was the catalyst for some of the halakhic questions that were asked of Rabbi Zirelson. He answered numerous responsa about the service of Jews in the military. Rabbi Zirelson was asked about Jewish soldiers who had no option but to eat non-kosher meat.⁶⁴ He answered and said that the soldiers should try their hardest not to eat forbidden foods. His recommendation was to eat just bread and grains. If the soldiers didn’t feel that they were able to function without eating meat and that abstaining from eating meat would endanger their health, then they were commanded to eat forbidden food. Since they are commanded to eat, they should also make a blessing before eating.

There are a number of responsa by Rabbi Zirelson about issues related to the burial of soldiers. He was asked if it was permissible to transfer the bones of a Jewish soldier from where he was originally buried to a common grave for all of the soldiers from the city.⁶⁵ Rabbi Zirelson rejected this possibility and forbade it.

He was also asked about a Muslim soldier who was buried in the Jewish cemetery on orders from the army.⁶⁶ The government minister now wanted to transfer the Muslim soldier’s bones to another burial site, but if this would be against Jewish law then he wouldn’t request such an act. Rabbi Zirelson wrote that it was forbidden to disinter the body because we are also commanded to bury Gentile dead because of the paths of

peace, *mipenei darchei shalom*.⁶⁷ The Muslim should be left where he was and a fence should be erected between him and the Jewish graves.

Another responsum that was related to casualties from war was about a request to erect a monument in memory of all the soldiers from a town who had fallen.⁶⁸ The questioner wanted to know if this was forbidden because of the prohibition, “You shall not make idols for yourselves, or set up for yourselves carved images or pillars” (Lev. 26:1). Rabbi Zirelson said that in this case there was no transgression of the prohibition since today the erection of a statue or monument had no religious meaning, but he did say that they should be careful not to include figures of human beings.

Rabbi Zirelson was asked about some sort of cult that he called “*mityahedet*” (“becoming Jews”), whose members consisted of both Gentiles and converts to Judaism.⁶⁹ They requested that they be allowed to be buried in the Jewish cemetery. He attempted to navigate between his desire to bring people closer to Judaism, including Gentiles, without having to compromise when it came to Jewish law. His conclusion was to allow those who had converted to be buried in the Jewish cemetery, as should be done for every convert. Those who hadn’t converted should be buried in a separate plot in the Jewish cemetery.

The last responsum that I will discuss in this section is about the influence of clothing used by church clergy on clothing used by clergy in the synagogue.⁷⁰ There were cantors who wore robes that were similar to those worn by priests. Rabbi Zirelson described the disagreements between the groups that he called the “*haredim*” and the “*hofshi'im*.” He claimed that the latter were attempting to imitate the clothing worn by church clergy. According to Rabbi Zirelson, since these garments were specific for Gentile worship, the wearing of such clothing was prohibited because of “the ways of the nations.”⁷¹

VIII. CONCLUSION

Rabbi Zirelson’s responsa reflect many of the changes that affected Jewish society in the modern era. He did not hesitate to address these challenges, even if his halakhic conclusion was not always the lenient position. According to Rabbi Zirelson, questions about modern technology or science could only be answered after one has understood the actual workings of the specific technology or science. His answers had to be based upon an empirically informed reality and not one that was ignorant of how machines worked, how food was produced, or the reliability of modern communications.

⁶⁷Most of this biographical information is from the entry “Zirelson, Yehudah Leib” in the YIVO Encyclopedia of Jews in Eastern Europe, http://www.yivoencyclopedia.org/article.aspx/Zirelson_Yehudah_Leib, retrieved on March 16, 2011. For more on Zirelson see S.Z. Moses, “Ha-Rav R’ Yehudah Lieb Zirelson-Kishenev,” in *Eileh Ezkerah* (New York: *Hotza’at ha-Machon le-Heker Ba’ayot ha-Yahadut ha-Haredit*, 1956); Mordechai Slipoi, *Ha-Gaon Rabbi Yehudah Leib Zirelson* (Jerusalem: Netzah, 1944).

⁷⁰For discussions about the Jewish community in Bessarabia and Rabbi Zirelson’s role as a communal, political, and

religious leader, see Yaakov Geller, *Tzemihata Ve-Shekia'ata Shel Kehillah* (Tel Aviv: Moreshet, 1985); Dmitry Tartakovsky, "Parallel Ruptures: Jews of Bessarabia and Transnistria Between Romanian Nationalism and Society Communism, 1918-1940" (PhD Dissertation, University of Illinois at Urbana-Champaign, 2009).

³The one exception is the book *Lev Yehudah* (Jerusalem, 1984). This volume published a number of Rabbi Zirelson's letters and articles from newspapers.

⁴*Atzei ha-Levanon*, OH no. 1.

⁵See *Be'er Heitev* on SA OH 43, n. 32. The original source for this opinion is found in the responsa of Rabbi Yisrael of Berona, no. 25 (26).

⁶*Atzei ha-Levanon*, OH no. 2.

⁷*Atzei ha-Levanon*, YD no. 28.

⁸*Ibid.*

⁹*Ma'arachei Lev*, YD no. 56

¹⁰On the attitude of the Jewish community towards returning apostates see Edward Fram, "Perception and Reception of Repentant Apostates in Medieval Ashkenaz and Premodern Poland," *AJS Review* 21, no. 2 (1996): 299-339.

¹¹*Ma'arachei Lev*, YD no. 70.

¹²See BT Sanhedrin 47a.

¹³*Atzei ha-Levanon*, OH no. 7.

¹⁴*Atzei ha-Levanon*, YD no. 63. This responsum is discussed in Moshe Samet, "Giyur Ve-Tzionut," in *Sefer Ha-Yovel Le-Rav Mordechai Brueur*, Vol. 2, ed. Moshe Bar-Asher (Jerusalem: Akademon, 1992), 499-501.

¹⁵*Atzei ha-Levanon*, YD no. 64.

¹⁶See Samet, 500-502.

¹⁷*Ma'arachei Lev*, YD no. 55.

¹⁸*Ma'arachei Lev*, EH no. 72. See Samet, 502-505. A priest was forbidden from marrying a convert. See BT Yevamot 61b.

¹⁹For discussions about the status of civil marriage in Jewish law see Avraham Freiman, *Seder Kiddushin Ve-Nissuin be-Yisrael Aharei Hatimat Ha-Talmud* (Jerusalem: Mossad ha-Rav Kook, 1945), 362-79; Boaz Cohen, *Law and Tradition in Judaism* (New York: Jewish Theological Seminary of America, 1959), 239-43. For an extensive bibliography see Nachum Rakover, *Otzar Ha-Mishpat* (Jerusalem: Ha-Sifriyah ha-Misphatit, 1975), 363-65; idem, *Otzar Ha-Mishpat*, Vol. 2 (Jerusalem: Sifriyat ha-Mishpat ha-Ivri, 1991), 368-69.

²⁰*Ma'arachei Lev*, EH no. 87. Also see *ibid.*, EH no. 88.

²¹*Lev Yehudah*, pp. 145-147. For a discussions about the public violator of *Shabbat*, see Motti Arad, *Melalleh Shabbat be-Farhesyah: Munal Talmudi U-Mashma'uto Ha-Historit* (Jerusalem: Jewish Theological Seminary of America, 2009); Zvi Zohar and Avi Sagi, *Ma'Agalei Zehut Yehudit be-Sifrut Ha-Hilchatit* (Tel Aviv: Hakibbutz Hameuchad, 2000).

²²*Ma'arachei Lev*, EH no. 73.

²³*Ma'arachei Lev*, EH no. 86.

²⁴According to Orthodox *halakhah* a woman must wait seven days after she finishes menstruating before she can immerse herself in a ritual bath. See *Shulhan Arukh*, YD 183:1 and Deena R. Zimmerman, *A Lifetime Companion to*

the Laws of Jewish Family Life (Jerusalem: Urim Publications, 2006), 39-48.

²⁵*Atzei ha-Levanon*, YD no. 50.

²⁶*Ma'arachei Lev*, YD no. 53.

²⁷*Ma'arachei Lev*, YD no. 54. On the controversy surrounding *metzizah* see Shlomo Sprecher, "Mezizah be-Peh--Therapeutic Touch Or Hippocratic Vestige?," *Hakirah* 3 (2006): 15-66.

²⁸*Atzei ha-Levanon*, YD no. 61.

²⁹*Ma'arachei Lev*, HM no. 110. For a discussion of animal experimentation in Jewish law see J. David Bleich, *Contemporary Halakhic Problems*, Vol. 3 (New York: Ktav, 1989), 194-236.

³⁰For discussions about the role of the modern mail system in *halakhah*, see I.Z. Kahane, *Mehkarim be-Sifrut Ha-Teshuvot* (Jerusalem: Mossad Harav Kook, 1973), 175-78; Eliezer Berkowitz, *Tenai be-Nisuin U-Ve-Get* (Jerusalem: Mossad Harav Kook, 1967), 90-119; and Zvi Zohar, *Mesoret U-Temurah* (Jerusalem: Machon Ben-Zvi, 1993), 200-207, 243-247.

³¹*Ma'arachei Lev*, *Helek ha-Hashmatot*, no. 12.

³²*Atzei ha-Levanon*, nos. 121, 123.

³³*Ma'arachei Lev*, EH no. 103.

³⁴See *Mishneh Torah*, *Hilchot Gerushin* 6:6.

³⁵*Ibid.*, 2:17.

³⁶*Gevul Yehudah*, EH no. 41. While Rabbi Zirelson's responsa were often relatively short, this is one of his longest responsa. He wrote that since the *halakhah* in this case was unclear, there was a need to write about it at length and to examine the issue in depth.

³⁷*Atzei ha-Levanon*, EH no. 81.

³⁸Rabbi Zirelson responded to a similar question in which he also trusted the reliability of the mail. See *Ma'arachei Lev*, EH no. 77.

³⁹*Gevul Yehudah*, EH no. 36.

⁴⁰*Gevul Yehudah*, YD no. 21.

⁴¹See BT *Pesahim* 30b.

⁴²One is almost always able to *kasher* metal.

⁴³*Atzei ha-Levanon*, YD nos. 43-45.

⁴⁴See *Shulhan Arukh*, YD 87:10. See *Shibolei ha-Leket*.

⁴⁵See *Shibolei ha-Leket*, part 2, ed. Simcha Hasidah (Jerusalem: Machon Yerushalayim, 1988), par. 34.

⁴⁶*Gevul Yehudah*, OH no. 6. Also see I.Z. Kahane, *Mehkarim be-Sifrut Ha-Teshuvot*, 429; S.Y. Zevin, *Ha-Moadim be-Halakhah* (Jerusalem: Yad Ha-Rav Herzog, 1980), 292.

⁴⁷*Atzei ha-Levanon*, OH no. 14. For a comprehensive treatment about machine-made *matzot* see Meir Hildesheimer and Yehoshua Liebermann, "The Controversy Surrounding Machine-Made 'Matzot': Halakhic, Social, and Economic Repercussions," *Hebrew Union College Annual* 75 (2004): 193-262. Also see Jonathan D. Sarna, "How Matzah Became Square: Manischewitz and the Development of Machine-Made Matzah in the United States," *Sixth Annual Lecture of the Victor J. Semanowitz Chair of Jewish History, Graduate School of Jewish Studies: Touro College* (2005).

⁴⁸A small amount of dough, *hallah*, had to be separated from dough before it was baked. If it wasn't separated from

the dough, it was separated from the baked product. See mHallah.

⁴⁹Atzei ha-Levanon, OH no. 15.

⁵⁰Atzei ha-Levanon, OH no. 20.

⁵¹Ibid.

⁵²Atzei ha-Levanon, OH 10.

⁵³See the Shulhan Arukh, OH 314:1. For a summary of most of the rabbinic views about the use of electricity on the Sabbath see Michael J Broyde, and Howard Jachter, "The Use of Electricity on Shabbat and Yom Tov," *Journal of Halacha and Contemporary Society* 21, 4 (1991): 4-47.

⁵⁴See Shulhan Arukh, OH 338:1.

⁵⁵Phone lines transmit small amounts of electricity.

⁵⁶Ma'arachei Lev, OH no. 5. Also see Ma'arachei Levi, Hashmatot, no. 1.

⁵⁷Lev Yehudah, pp. 143-144.

⁵⁸A makom metunaf often consists of excrement or sewage. See BT Berachot 24b-25a.

⁵⁹Ma'arachei Levi, OH no. 5. The source of the prohibition is found on BT Berachot 24a.

⁶⁰See BT Sotah 8a.

⁶¹Ma'arachei Lev, OH no. 22.

⁶²See Shulhan Arukh, OH 545:1.

⁶³Gevul Yehudah, YD no. 23.

⁶⁴Ma'arachei Lev, YD no. 43.

⁶⁵Ma'arachei Lev, YD no. 69.

⁶⁶Atzei ha-Levanon, YD no. 75.

⁶⁷See Tosefta Gittin 3:13-14 and Jonathan K Crane, "Jews Burying Gentiles," *Review of Rabbinic Judaism* 10, 2 (2007): 145-61.

⁶⁸Ma'arachei Lev, YD no. 42.

⁶⁹Atzei he-Levanon, YD no. 65.

⁷⁰Ma'arachei Lev, YD no. 44.

⁷¹Lev. 18:3. The question about Jewish clergy wearing clothing that was also worn by Christian clergy was discussed by other rabbis. See Jeffrey R. Woolf, "Between Law and Society: Mahariq's Responsum on the "Ways of the Gentiles" (*Huqqot Ha-'Akkum*)," *AJS Review* 25, no. 1 (2000): 45-69.