



# IN MEMORIAM



## Remembering Rabbi Gedalia Dov Schwartz, *zt"l*

By Rabbi Michael J. Broyde

The passing on December 9, on the eve of Chanukah of Rabbi Gedalia Dov Schwartz, *zt"l*, at the age of 95 is a source of great sadness. He was a powerful intellectual leader, and a person who was of enormous integrity and self-discipline who was the *Av Bet Din* (chief judge) of the Chicago Rabbinical Council and the Beth Din of America. He was a significant authority in the Orthodox community on matters of halacha.

Besides his deep support for the plight of the *agunah* (he was among the first and earliest supporters of the modern pre-nuptial agreement to reduce incidences of recalcitrance) and his deep commitment to the plight of the lonely convert (he wrote regularly about the mitzvah of loving the convert), Rabbi Schwartz was among the first *poskim* deeply interested in the general ethical tone of secular American society. All of this was in addition to his being a quintessential *ish ha-halacha*, involved in the technical building of a community with deep fidelity to Jewish law: He was regularly involved in kosher standards, conversion, divorce, *eruv*, and *dinai torah* as well as a significant go-to person for all matters of Jewish law for pulpit rabbis far and wide. His day was full of questions from people, disputes to be resolved and letters to reply to.

I was privileged to work for him in the Beth Din of America for nearly 18 years and every interaction was fascinating. But without a doubt among the most unique interactions with Rabbi Schwartz were about the tone and texture of American society. Since Rabbi Schwartz was born in 1925 in New Jersey, and graduated from Yeshiva College in 1946 (with a dual major in English and French Literature) he witnessed great changes in secular society as both an American and a Jew, whether it was the changes World War II wrought, or the evolving changes caused to American Jewry by the establishment of Israel and from the sexual revolution of the 1960s to the movement for racial justice in the late 1950s and much more. He cared deeply about American society and favored active participation in general American ethical life.

In his memory, I wanted to review a brief letter he wrote on August 21, 2001, when the United States was considering the issues related to stem cell research. On August 9, 2001, U.S. President George W. Bush introduced a ban on federal funding for research on newly created human embryonic stem cell lines and there was much discussion of this issue at this time. Rabbi Schwartz wrote on Beth Din of America stationery a letter for distribution:

There is an important deliberation taking place in many sectors of American society about the ethics and morality of what is commonly known as stem cell research. This debate will no doubt influence the decision of the American government regarding support of stem cell research. Members of the Jewish community, and of the general American community as well, have asked what the position of Halakha (Jewish law, as expressed by the rabbis in the Talmud) is on this vital issue. This decision is in response to those inquiries



Halakha does not consider any embryonic development within forty days of conception as having the sacred protected status of a human being. Therefore, the use of embryos for stem cell research is not considered an act of destruction of life. This use of the embryo does not come under any category of abortion after forty days of conception, which is forbidden by Halakha, unless the mother's life is in danger. Consequently, in view of the possible, very positive results of stem cell research for the cure of various diseases, it is not only permitted but it is an imperative to support and proceed with this field of science.

At this time, this decision is limited to the removal of stem cells from embryos resulting from in-vitro fertilization developed for reproductive purposes. The decision is based on the current assumption that such embryos provide sufficient quantities and variety of types to proceed with stem cell research, to the end of scientific knowledge for the relief of serious illness and the saving of lives. Should this category of embryos prove to be insufficient in quantity; or should it consist of too narrow a profile of humanity, and not reflective of the variety of genetic and histological types, thus limiting the potential for healing and for saving lives, then it will be necessary to reconsider the scope of this decision.

Each of these three paragraphs present important ideas that Rabbi Schwartz believed deeply in.

The first paragraph reflected Rabbi Schwartz's dual deeply held belief that (1) America was a moral society that cared about ethics and sought to do the right thing and (2) the community that is loyal to halacha ought to participate in that discourse. Furthermore, Rabbi Schwartz was insistent that this care was bi-directional – what ailed secular society would come to ail the community of halachic Jews, and that we all had an obligation to participate in the broader society to make it a better place.

The second paragraph reflects Rabbi Schwartz's deep ability to elegantly resolve questions of tech-

nical halacha. Rabbi Schwartz was clear that regardless of the halachic status of a fetus in general, abortion was generally forbidden as a matter of practical halacha. But yet, such was not the case in embryonic stem cells and that early abortions had a different status since the fetus was not yet a "human being." Notwithstanding that fact, Rabbi Schwartz recognized that there is a holiness in all reproductive material, and it is only because of the possible medical advances that can come from stem cell research that would allow us to use this material for research.

The third paragraph reflects Rabbi Schwartz's practical halachic sense. When a *posek* permits that which is disconcertingly *mutar* (as using reproductive material for non-reproductive purpose is) limitations are always proper to insure that residual holiness remains. In this case, this paragraph was put in to discourage people from creating stem cell lines embryos solely for medical experimentation and not as a by-product of assisted reproduction. These limitations have – Rabbi Schwartz always felt – to be grounded in the reality of the time and place. Decisions like this need to be revisited in the reality of the times; they can and should change. There is a balance between the need to investigate possible cures and the sacred status of human reproduction that evolved with time and reality.

It is no secret that Rabbi Schwartz lived a harder than normal life and he rose to a life of enormous accomplishment. He told me more than a few times that a "test of a person is whether they rise to the challenges around them" and he was always concerned when people did not focus on rising to the challenges. *Poskim*, he felt, lived in their time and place and responded to the needs of their times.

Rabbi Schwartz rose to meet the needs of the times that he lived in and our community is diminished deeply by his loss.

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