

# DA'AT TORAH AND RABBINIC AUTHORITY

## SHIUR 4 - WHO IS A GADOL AND WHAT IS EMUNAT CHACHAMIM?

בית כנסת הנשיא

### A] WHO IS A GADOL?

1. רק שכ"ח מוחזק לת"ח צדורו שיודע לישא וליתן צתורה ומצין מדעתו צרוצ מקומות התלמוד ופירושו וצפסקי הגאוניס, ותורתו חומנותו

שולחן ערוך יורה דעה הלכות כבוד רבו ותלמיד חכם סימן רמג סעיף ב

*The Rema here defines the minimal Torah/Chochma qualities of a Talmid Chacham (at least for the purposes of certain communal tax exemptions) - someone who knows their way thoroughly around Talmud, mefarshim, poskim and who is occupied full time with Torah.*

2. והאמר רבה בר בר חנה אמר רבי יוחנן: מאי דכתיב (מלאכי ב:ז) כִּי שִׁפְתֵי כֹהֵן יִשְׁמְרוּ דַעַת וְתוֹרָה יִבְקְשׁוּ מִפִּיהוּ כִּי מִלֶּאֱךָ ה' צְבָאוֹת הוּא. אם דומה הרב למלאך ה' צבאות - יבקשו תורה מפיהו. ואם לאו - אל יבקשו תורה מפיהו!

חגיגה טו:

*A Rav must be like a malach in order for people to accept his Torah!*

3. הרב שאינו הולך בדרך טובה, אע"פ שחכם גדול הוא וכל העם צריכים לו, אין למדין ממנו עד שיחזור למוטב

שולחן ערוך יורה דעה הלכות תלמוד תורה סימן רמו סעיף ח

*The Shulchan Aruch rules that one may not learn from a Rav who is behaving inappropriately*

4. בית דין של שלשה אף על פי שאין מדקדקין בהן בכל אלו הדברים צריך שיהא בכל אחד מהן שבעה דברים ואלו הן: חכמה, וענוה, ויראה, ושנאת ממון, ואהבת האמת, ואהבת הבריות להן, ובעלי שם טוב. וכל אלו הדברים מפורשין הן בתורה. הרי הוא אומר 'אנשים חכמים ונבונים' - הרי בעלי חכמה אמור. 'וידועים לשבטיכם' - אלו שרוח הבריות נוחה מהם. ובמה יהיו אהובים לבריות? בזמן שיהיו בעלי עין טובה, ונפש שפלה, וחברתן טובה, ודבורן ומשאן בנחת עם הבריות. ולהלן הוא אומר 'אנשי חיל' - אלו שהן גבורים במצות ומדקדקים על עצמם וכובשין את יצרן עד שלא יהא להן שום גנאי ולא שם רע ויהא פרקן נאה. ובכלל 'אנשי חיל' שיהיה להן לב אמיץ להציל עשוק מיד עושקו כענין שנאמר ויקם משה ויושיען. ומה משה רבינו עניו אף כל דיין צריך להיות עניו. יראי אלהים כמשמעו. 'שונאי בצע' - אף ממון שלהם אינן נבהלין עליו, ולא רודפין לקבץ הממון, שכל מי שהוא נבהל להון חסר יבואנו. 'אנשי אמת' - שיהיו רודפין אחר הצדק מחמת עצמן בדעתן, אוהבין את האמת ושונאין את החמס ובורחין מכל מיני העול. ח אמרו חכמים שמבית דין הגדול היו שולחים בכל ארץ ישראל ובדקין כל מי שימצאוהו חכם וירא חטא ועניו ושפוי ופרקו נאה ורוח הבריות נוחה הימנו, עושין אותו דיין בעירו, ומשם מעלין אותו לפתח הר הבית ומשם מעלין אותו לפתח העזרה, ומשם מעלין אותו לבית דין הגדול

רמב"ם הלכות סנהדרין פרק ב הלכה ז, ח

*The Rambam sets out the minimal qualities of a Dayan. These are not only in wisdom but also (indeed mainly) in good middot - humble, God-fearing, not concerned with money, truth-seeking and who love the community.*

5. אין תהילת בעל ההלכה הגונה אלא א"כ קדמה לו יראתו לחכמתו .... ואין חכם בתורה רק אחרי ההתמזגות של עיון השכל וטעם יראת חטא .... וכל שלא קנה שלמות היראה אף ששכלו חד ומצוחצח בתולדתו לא יזכה לתורה שלימה .... ומי שחסר את היראה הוא חדול הרגש של עדינות הנפש וחסר טעם של זיו החכמה בת השמים, שכלו נעדר כוח המבחין בין שקר לאמת וחכמתו נכזבה בכל פיותיה ...

ספר אמונה ובטחון של החזון איש פרק ג'כד

*The Chazon Ish stresses that Yirat Shamayim is an essential prerequisite to any chochma<sup>1</sup>.*

1. See that chapter in Emuna U'Bitachon for a detailed analysis for the importance of Yirat Shamayim.

But even if a person satisfies the criteria to be considered a Chacham, who is entitled to express Da'at Torah?

6. The unwillingness to work together for the common good (we are talking about various types of Orthodoxy, all people committed to Torah and Yirat Shamayim) can lead to chillul Hashem and is certainly a disservice to the Jewish people. This returns to the obvious but thorny question - who is entitled to an opinion on matters of importance to the Jewish community? Without doubt, this issue remains a real stumbling block in our days. Furthermore, who is authorized to decide which persons qualify for membership in the rabbinic conclaves whose pronouncements will be binding on all Jews? It is disheartening when outstanding rabbinic figures and even Roshei Yeshiva are excluded from the 'inner circle' of Torah community leaders making Da'at Torah pronouncements, especially when there is no perceived reason for their exclusion other than a possible slight variation on some ideological (non-halachic) point

Rabbi Alfred Cohen - Da'at Torah - Journal of Halacha and Contemporary Society XLV pp90-91

7. **ב:** בית דין שגזרו גזרה או תקנו תקנה והנהיגו מנהג ופשט הדבר בכל ישראל, ועמד אחריהם בית דין אחר ובקש לבטל דברים הראשונים ולעקור אותה התקנה ואותה הגזרה ואותו המנהג, אינו יכול עד שיהיה גדול מן הראשונים בחכמה ובמנין. .... והיאך יהיו גדולים מהם במנין הואיל וכל בית דין ובית דין של שבעים ואחד הוא, זה מנין חכמי הדור שהסכימו וקבלו הדבר שאמרו בית דין הגדול ולא חלקו בו

רמב"ם הלכות ממרים פרק ב הלכה ב

*Even in the times of the Sanhedrin, decrees could only be set aside by a subsequent 'greater' Sanhedrin. This greatness was measured not only in wisdom but also in popular support. What gave the Jewish people the halachic authority to decide on these matters?*

8. ... הנח להן לישראל אם אין נביאים הן - בני נביאים הן

פסחים סו.

*The Jewish people have (or at least had!) a collective 'nevuah' which leads them to the appropriate response. Ultimately, the Jewish people will decide who are the leaders of the community*

9. יהושע בן פרחיה ונתאי הארבלי קבלו מהם יהושע בן פרחיה אומר עשה לך רב ..... (ספורנו - שתיכי כל קבלתך ממנו. וכבר גינו מי שלמד על הפך זה, כאומרים ז'ל 'יוסף צ'ר חייא מכולי עלמא גמר' (חולין יח:))

משנה מסכת אבות פרק א משנה ו

*Chazal tell us to acquire a Rav. The Seforno understands that one should adopt one Rav and accept ONLY his Torah*

10. One of the questions we are often asked is, "If you are so right, why don't the great rabbis agree with you?" Rabbi Kahane himself was approached with questions of this sort for years, as he stood alone proclaiming what he knew to be the Torah truth. ... There are no "Gedolim". If this is so, the crucial question is: Who do we listen to? Is there no Da'at Torah today? Of course there is! But it is the task of every G-d-fearing Jew to seek out what the Torah view is, and find a rabbi who goes on the path of Torah truth, clinging to him as long as his rabbi remains on that path. What about the "gedolim"? We ask you: Who are the "gedolim"? Is it Rav X or Rabbi Y? Is it the known Torah genius, or perhaps his rival, no less the Torah genius, who so vastly differs with him?

Let's be honest. No one just accepts the opinion of the "gedolim". In reality, one fellow sees this particular rabbi as a Torah "gadol", and follows him; another fellow holds by another rabbi, and even if a hundred great rabbis line up against his rav, he will follow his rav through thick and thin.

Rav Binyamin Zev Kahane<sup>2</sup>

2. Written in 1991 shortly after the murder of his father, Rabbi Meir Kahane.

11. Occasionally, people from the hareidi community question or attack my articles. Even though they are well aware that I strive to follow in the path of Maran Harav Kook zt"l, nevertheless they argue: "Why don't you accept the authority of the Gedolei haTorah (eminent Torah scholars)?" The simple answer is: I don't consider them Gedolei haTorah.

They definitely are important talmidei chachamim (Torah scholars) whose fear of sin precedes their wisdom, educate many disciples, and it is a mitzvah to respect them. But they are not Gedolei haTorah. Gadlute beTorah (Torah greatness, eminence) necessitates an all-embracing, fully accountable handling of serious issues facing the generation, including: the attitude towards Am Yisrael in all its diversity and various levels – both religious, and non-religious; the attitude towards mitzvot of yishuv haaretz (settling the Land) and the on-going war which has surrounded it for over a century; the attitude towards science and work, and the contemporary social and economic questions.

### Technical Questions as Opposed to Fundamental Questions

It is important to note that merely addressing these questions is not sufficient, because it would be easy to settle for trivial answers offering technical ways in which an individual Jew could survive the changes and revolutions facing the nation and world in modern times. To accomplish this necessitates expertise, and the more complicated the situation, the greater the amount of competence required. But this does not demand gadlute beTorah.

The type of expertise leaders and public figures already possess is quite adequate; if they are loyal to the path of Torah as taught by their rabbis, and understand the social realities before them, they can find creative solutions to problems faced by different sectarian groups (hareidi or dati, Ashkenazic or Sephardic). This is presently the type of expertise required of Knesset members, ministers, and mid-level theorists. Clearly, they can take advice of rabbis who are familiar in this field, but this does not necessitate significant Torah input.

However, true Gedolei haTorah are required to deal with fundamental questions, in order to provide significant and important answers to the perplexities of the generation. They need not offer detailed plans for immediate implementation, but they must set a vision, thoroughly analyze the events and phenomena confronting them, distinguishing between the positive and negative points, and offer direction wherein the positive can triumph over the negative, and even rectify it.

### What is Gadlute beTorah?

How this is determined is a weighty and important question indeed. Obviously, the mere fact that a person decides to tackle the important questions does not entitle him to the designation of gadol baTorah as long as he lacks the competence to do so. Likewise, it is clear that it is not determined by the degree of proficiency. Throughout all the generations there were talmidei chachamim famous for their great erudition, but nevertheless, their knowledge did not place them in the top row of gedolei haTorah, because that is determined by the degree of comprehension and penetration into the roots of the matter.

In very general terms, there are three levels of Gadlute beTorah:

**The first level** includes those who merit understanding the root of the svara (rational inference) of every individual halakha or agadah they learn – these are the regular talmidei chachamim.

**The second level** includes those who merit delving deeper, understanding the inner svara which clarifies several halakhot collectively, and thus know how to resolve various questions. For example, rabbis who present the important lectures in yeshivot, who are able to explain numerous sugiyot (issues in the Talmud) along the lines of one concept, and are great in lamdanut (erudition). They can also be important poskim (Jewish law arbiters) who, out of their profound comprehension, understand numerous halakhot, and know how to contend with new questions, and usually are gedolim in some fields of halakha. Some of those on this level merit comprehending the inner svara which clarifies various matters of aggadah, and they are gedolim in machshava (Jewish philosophic thought) and emunah (faith).

**The third level** includes those who delve deeper into the inner roots of the svarot, both in halakha, aggadah, and pnimiyut haTorah (the deepest aspects of Torah). Consequently, they understand the general rules of the Torah more profoundly, and as a result, the details of halakhot and midrashim are clearer to them; they know how to give comprehensive instruction and guidance in matters concerning the affairs of the clal (general public) and the prat (individual), the spiritual, and the practical. These are the true Gedolei haTorah. Naturally, there are also numerous intermediate levels, according to the extent of profound thought and inner orientation in the various areas of Torah.

Rav Eliezer Melamed - Revivim (BeSheva 555)<sup>3</sup>

3. Available in English at <http://www.israelnationalnews.com/Articles/Article.aspx/13681#.UgqL-W2KL6I> and Hebrew at <http://revivim.yhb.org.il/2013/08/08/%D7%9E%D7%99-%D7%94%D7%9D-%D7%92%D7%93%D7%95%D7%9C%D7%94%D7%93%D7%95%D7%A8/>  
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12. Now if obtaining a centralized Torah authority is essential and urgent, the rational procedure would be to focus our attention on determining who of the possible candidates for leadership is indeed the most worthy - and may the greatest Gadol win! This rational approach is not likely to yield decisive results. Moreover it is sure to reinforce two of the least attractive vices of contemporary Orthodox discourse:

1) *The Loud Mouth*. People lauding the superiority of their exemplary Rabbi(s) rarely do so knowledgeably. How many of the gentlemen who belittle, supposedly on grounds of Torah scholarship, the rank accorded, by their followers, to R. Shach or to the Lubavitcher Rebbe, have actually assessed the respective contributions to that scholarship of the Avi Ezri and the Likkutei Sihat? Know-nothing disparagement has a deleterious effect on our intellectual and moral lives and should not be encouraged.

2) *Idolatry of the Intellect*. The attempt to order 'quantitatively' Rabbinic luminaries, strengthens our inclination to value that which can most readily be inspected from the 'outside' as it were. This enhances the cult of intellectual cleverness and analytic brilliance and the downplaying of wisdom, good judgment and their inevitable corollaries - self-criticism and humility. Our community does not need to breed more of this.

In any event, it is folly to anticipate consensus about Rabbinical authority. To claim that such consensus exists cannot fail to make us, and what we stand for, appear foolish too

R. Shalom Carmy: "Who Speaks for Torah - And How?" (Religious Zionism, 1989)

## B] EMUNAT CHACHAMIM

13. גדולה תורה יותר מן הכהונה ומן המלכות שהמלכות נקנית בשלשים מעלות והכהונה בעשרים וארבע והתורה נקנית בארבעים ושמונה דברים ..... במיעוט שיחה במיעוט תענוג במיעוט שחוק במיעוט דרך ארץ בארץ אפים בלב טוב באמונת חכמים ....

אבות ו:ה

*Torah is acquired through an emphasis on 48 special qualities, including cutting down on sleep, speech, pleasures and (#23) 'emunat chachamim'*

14. באמונת חכמים - שמאמין בדבריהם ולא כצדוקי' ובייתוסין

מחזור ויטרי סימן תכט

*One of the earliest comments on this comes from the Machzor Vitri (R. Simcha of Vitri - student of Rashi) who understands it to be a requirement to commit to the tradition of the Oral Law and not to be a Sadducee. This is of course fundamental to learning Torah - so fundamental indeed that one could ask why it appears so far down the list!*

15. באמונת חכמים - שאינו מאמין לכל דבר ששומע, דזכו מדת פתי יאמין לְכָל דְבָר (משלי יד:טו), אצל יאמין לחכמים בחכמת התורה, אפי' לא ישיגם בשכלו

תפארת ישראל - יכין - אבות פרק ו משנה ו אות [פט]

*The Tiferet Yisrael gives a different approach. Emunat Chachamim means to be discerning as to whom one listens to. Only a fool believes everything. A wise person chooses carefully and listens to the Chachamim 'in matters of Torah wisdom' even if he does not understand their position. The end of the verse in Mishlei is [only] a 'clever' person understands correctly. In order to get a proper understanding a person must be subtle and sophisticated in the way he listens and takes advice.*

16. הכ"ג, באמונת חכמים, והוא, כי בהיות שעדיין לא הגיע למדרגת הרב, ראוי שיאמין במה שיאמרו החכמים, שהם גדולים ממדרגתו, שהגיעו למדרגת שלמות החכמה, ואף אם יקשה בעיניו מאמרם, ראוי להאמין בהם, עד שיגיע למקומם ומדרגתם, כי בזה יוסיף לקח.

פרקי משה' על אבות פרק ו

*Of course, until a person themselves becomes a Rav, they must rely on the analysis of people greater in wisdom even if one disagrees.*

4. R. Moshe Almosnino of Salonika (c.1518-1579)

17. ורגיל אני לפרש מה שמנו חז"ל בפרקי אבות פ"ו מ"ה בין מ"ח דברים שהתורה נקנית בהם: פלפול התלמידים ואמונת חכמים. ולכאורה הם סותרים זא"ז. ובכלל מה שייך אמונת חכמים לקנין התורה? אבל זהו הדבר: אם אינם מאמינים בחכמים, אז עוברים על דבריהם בקלות דעת וביהירות של שטות, לומר בזחיות הדעת: הם לא הבינו, ונמצא שאין אדם יגע כלל להתעמק ולהעמיד דבריהם ז"ל, וסוף הדבר מתברר שאנחנו טעינו ולא הם. ולכן מדרכי החכמה הוא להאמין שהם לא טעו, ח"ו, ורק אנחנו קצרי ראות ומעוטי דעת. אבל להאמין סתם ולא להוגיע את המוח בעיון ובמחשבה, אלא לומר סתם: הם ידעו ויכולים אנחנו לסמוך עליהם בלא מחשבה - ג"כ לא נכון, אלא צריך לפלפל בסתירה ובספיקות כאלו היו אנשים משלנו, ועי"ז באים להעמקה יתירה ולחדירה עיונית. נמצא ששתי המידות יחד, אמונת חכמים ופלפול עד קצה האחרון, מביאים לקנין התורה.

שו"ת שרידי אש חלק א סימן קיג עמוד שלו

Our Sages listed, among the forty-eight attributes through which Torah is acquired, "pilpul hatalmidim" (deliberation amongst the students) and "emunat hakhamim," two concepts which seem to contradict each other. And, what does emunat hakhamim have to do with acquiring Torah? What it means is as follows: If one lacks faith in the words of the hakhamim, he tends to skim over them casually, and arrogantly dismisses them saying "The Sages just didn't understand." The result is that such a person does not struggle to probe beneath the surface and to confirm their words. In the end, it becomes clear that it was he who erred, not they. Indeed, it is a characteristic of intelligence to believe that it is not they who err, Heaven forbid, but we, with our short-sightedness and limited knowledge, who are mistaken. However, to trust simplistically and not exert our minds with investigative, concentrated thinking, to say blandly "They knew - we can rely on them without thinking," is also wrong. Rather, one must challenge their words with any contradictions or uncertainties, as if their author is one of us. Through this we arrive at a more profound and analytic understanding. These two attributes, emunat hakhamim together with unhampered pilpul, provide the path to acquiring the knowledge of Torah

*The Seridei Eish (Rav Yechiel Yaakov Weinberg - 20C Europe) informs us that whilst we must never reject the words of the Gedolim, we must also NOT simply accept what they say without thought or analysis. Rather we must subject their comments to intellectual scrutiny and deeper analysis in order to understand what they are really saying*

18. כי אם אינו יודע טעמי ההלכות אינו מבין גופי ההלכות לאשורן על בורין ונקרא בור ולכן יש אוסרין להורות אפילו לעצמו מתוך הלכות פסוקות בלי טעמים שלמד ולפיכך אינו רשאי להתאחר מללמוד הטעמים עד שיגמור ללמוד כל ההלכות פסוקות

שולחן ערוך הרב הלכות תלמוד תורה פרק ב סעיף א

*Understanding the reasons behind the halachot is fundamental to the process of learning. Otherwise one is simply a בור - a simpleton who follows unknowingly.*

19. דקי"ל דדיינין דינא דגרמי אמאי אמרי' טעה בדבר משנה חוזר ואינו משלם: ... טעמו של דבר זה ... [נ]משום פשיעותיה דבעל דין נגעו בה. דכיון דטועה בדבר משנה הוא ידיעה טעותיה ולא איבעיא ליה לבעל דינא למיסמך עילייהו ולמעבד על פיו דה"ל לשיולי ולגלויי טעותא דהא דבר ברור הוא כדבר משנה הברורה. הלכך בעל דינא הוא דפשע ודיינא לא עבד ולא כלום

בעל המאור סנהדרין יב.

*The Ba'al Hamaor rules that if a dayan makes an obvious error in psak, he is not liable to the litigant for consequential financial damages. If the error is obvious, the litigant should have been aware enough to question it and realize the error! Thus a challenging and question attitude on the part of the recipient of any psak is essential to proper Emunat Chachamim. On the other hand, clearly, in most cases the matter will NOT be black and white. There, the litigant must submit to the greater knowledge of the Chacham - Emunat Chachamim*

20. We can conclude from all this that emunat hakhamim is indeed an exalted attribute, but one that is quite difficult to achieve. It is not found in those who are lazy, who wish to relieve themselves of the burden of study. True emunat hakhamim obligates one to delve deeply to find the reasoning behind the hakhamim's words while at the same time requiring the student or inquirer to be critical and to investigate rigorously, in order to verify that there is no room for dissent. Certainly there exists justification for their words; we still need to determine if they are to be actually carried out - *halacha lema'aseh*. All this applies to words of Torah, which all Jews are commanded to know and carry out. On the one hand one may not rely on his own knowledge to issue rulings - even for himself, certainly for others - without consulting and seeking advice from hakhamim. .... On the other hand, even when one does ask and seek advice, he is not freed from the obligation to personally understand the halakhah so that he is not like a blind person following one teacher or another. Obviously, someone who has no knowledge has no choice but to choose a rav and to follow him. But he still bears the responsibility of learning so that he can understand and validate the teachings of his rav.

Rabbi Nachum Rabinovitch, *What is Emunat Hakhamim*, Hakira Journal Vol 5 p44<sup>5</sup>

5. available at [www.hakirah.org/Vol%205%20Rabinovitch.pdf](http://www.hakirah.org/Vol%205%20Rabinovitch.pdf)

21. Recently, some have begun applying the term '*emunat hakhamim*' to something else entirely, something that *Hazal* never discussed— that *hakhamim* also have prophetic authority in *divrei reshut* [optional activities that are neither prescribed nor proscribed by halakhah]. We are not talking about asking advice of those who are experienced and wise in Torah, whose righteousness, Torah knowledge and brilliance provide good guidance and sound advice. It is surely good for any person to seek advice from those who are greater and better than he. But there is a difference between asking advice and taking personal responsibility for one's actions, and relying on others with absolutely no independent thought. There are those who label such childish behavior as '*emunat hachamim*' while in reality it is a distortion of this great attribute. Instead of acquiring true Torah, those who cling to this distorted '*emunat hakhamim*' distance themselves from the light of the Torah and are ultimately incapable of distinguishing between right and wrong.

Rabbi Nachum Rabinovitch, *What is Emunat Hakhamim*, Hakira Journal Vol 5 p45

22. כלומר שיאמין בכל משיאמרו רז"ל כאילו נתנה למשה מסיני ועל זה נאמר לא תסור ....

פ' מדרש שמאול של ר' שמאול די אויזא אבות ויה

*The sefer Midrash Shmuel (R' Shmuel ben Isaac Uceda of Venice - 16C) gives two interpretations to 'Emunat Chachamim'. The first is acceptance of whatever Chazal say as if it were said on Sinai, and he brings the verse 'Lo Tasur'*

23. וגם אפשר שרמז שענינו האמונה בו יתב' שלא יכניס האדם את עצמו להשיגה בדרך חקירות השכל .... רק האמנתו תהיה כדרך אמונת החכמים שהיא אמונת אומן מקובלת איש מפי איש עד למשה מסיני

שם

*The second is a much more novel approach - that Emunat Chachamim is not Emunah IN the Rabbis 'Emunah BaChachaim' but rather the Emunah OF the Rabbis - ie an Emunah in the mesorah without the need for proofs*

24. a wise man's faith .... a sophisticated faith as opposed to a primitive, naive, simplistic faith.

Rabbi Dr. Norman Lamm<sup>6</sup>

25. The definition of Emunat Chachamim follows from this. One who wishes to believe them may make use of their clarity of vision and perception so that they may be his guide. We may straighten our world-view and our practical behavior through their words. Moreover, it is only to the extent that we become their disciples and exert ourselves to understand their way of thought, that our own thought becomes straight. Therefore the gedolim of our generation, whose life occupation was to continue as loyal disciples of the way and thought of our Sages, merited this straightness to a tremendous degree; so much so that their opinion, even in matters for which they had no explicit source, and even ordinary advice in worldly matters is true and clear... as our eyes have seen , thank G-d also in this generation

Rav Dessler Michtav Me'Eliyahu I p59

26. אמר ליה: תן לי יבנה וחכמיה, וששילתא דרבן גמליאל, ואסוותא דמסיין ליה לרבי צדוק. קרי עליה רב יוסף, ואתימא רבי עקיבא: (ישעיהו מד-כה) מְשִׁיב חַכְמִים אַחֲרֵי וַיִּדְעָתָם וַיִּשְׁכְּלוּ! איבעי למימר ליה לשבקינהו הדא זימנא. והוא סבר, דלמא כולי האי לא עביד, והצלה פורתא נמי לא הוי

גיטין נ:

*One of the main crises of Emunat Chachamim/Da'at Torah in recent times was the issue of why so many Gedolim advised the people not to leave Europe. Rabbi Akiva was deeply shocked and dismayed by the decision of R. Yochanan ben Yochai not to ask Vespasian to save Yerushalayim. He regarded this as a profound misjudgment and applied the verse which states that God 'turns the wise backwards and makes their thinking foolish'.*

It appears therefore that, occasionally, the *siyata deshamaya* of the gedolim is not only removed but God also actively intervenes to disrupt their good judgement! Nevertheless, is this a reason on the part of the people not to follow their advise? How are we to know when it is good or not!? On the other hand, Rav Yochanan ben Zakai DID have his own reasons and who is to say that he was not right?

6. As quoted by Professor Lawrence Kaplan in Kaplan 1992 note 73 and taken from written notes by Rabbi Lamm on the original draft of the article

## C] CONCLUSIONS

There are a few major problems with implementing *Daat Torah* in a practical sense – there is precious little confidence in the Jewish world nowadays that leaders, even rabbis, are always rendering objective, unbiased opinions; there is apprehension that in this deceitful, mercenary world, some untoward influence may impinge on the pure distillation of Torah knowledge which the leader possesses. As Chazon Ish concludes in one of his letters, "But nevertheless, the praiseworthiness of a Torah scholar does not qualify him, unless his fear of G-d takes precedence over his wisdom, and the Torah wisdom does not find its place in a closed heart."<sup>25</sup>

Sad to say, there is a vague uneasiness in the hearts of many, who would like to see all the great rabbis acting in concert, when they confront the troubling phenomenon that some truly exceptional and able world-class *talmidei chachamim* are excluded from the periodic rabbinic councils, albeit their erudition and devotion seem exemplary. We have seen that no outside factors may be allowed to penetrate the decisions issued in the name of *Daat Torah*. Above all, *Daat Torah* must be fearless, unmoved by flattery, wealth, or public position.<sup>26</sup> The unpleasant suspicion that

even great rabbis may not be above concern for "political correctness" or pandering to the wealthy, vitiates the preparedness of Torah-true Jews to follow pronouncements which are hailed as *Daat Torah*. When the process is perceived as tainted, the conclusions will not be accepted as true *Daat Torah*, even by those prepared in theory to be guided by it.<sup>27</sup>

### Rabbi Alfred Cohen - Da'at Torah - Journal of Halacha and Contemporary Society XLV pp84-85, 103-104

## Conclusion

This study has sought to investigate whether Judaism indeed includes an ideology of *Daat Torah*, and I believe we have demonstrated that it does. Perhaps it is not as omniscient nor universal as some would want, but I do not think there is too much room for doubt on that issue.

In a personal comment, however, I find it distressing that some of our leaders often do not appear to have much faith in the Jewish people.<sup>58</sup> Some of the pronouncements or actions taken in the name of *Daat Torah* bespeak a suspicion that the Jewish community in America today, even the yeshiva-trained, observance-committed multitudes, have to be kept within very narrow parameters,

or else they will lose their commitment. Issues are portrayed in black and white, with no shadings. History is revised, books are censored, historic figures are idealized to the point of caricature, blanket prohibitions are issued – all seemingly out of fear that "if we give an inch, they will take a mile." It is painful to see that great scholars, even *Roshei Yeshiva*, whose opinions may be a little different, are not included in plenary councils of Torah leaders.<sup>59</sup> There seems to be an urgency to portray Jewish thinking as monolithic and beyond challenge.<sup>60</sup> Dissent comes close to being viewed as heresy.

And yet, on the whole, the Orthodox Jewish community today is blessed with many fine and committed people, who are not ignorant either of the Torah or of secular matters. I think they could handle serious discussions of communal issues, or appreciate in-depth explanations of certain aspects of current *hashkafa*. Most importantly, I think it is time we remembered that Judaism has never demanded a unitary view; dissent and open discussion have always characterized Jewish scholarship. Disagreeing with someone is not heresy, nor even rejection of *Daat Torah*. There are many who seek to be enlightened. They are not challenging *Daat Torah* – they just want to understand it better, so as to incorporate and integrate the thinking of Torah greats into their own approach to Jewish belief and practice.

Based on the last four shiurim, we could suggest some tentative conclusions:

**Shiur 1 -** There are a number of contemporary models as to what is Da'at Torah, falling roughly into 4 groups:-

- a 'hard line' positive approach - following Da'at Torah is Divinely mandated and halachically obligatory, likely based in Lo Tasur.
- a 'softer' positive approach - the view of the Gedolim (even though they are fallible) is the most sensible to follow and certainly beats most of the alternative sources of peoples views. Da'at Torah is not halachically obligatory but a person would be most foolish to ignore it.
- a 'hard line' negative approach - Da'at Torah is a modern political tool of the Agudah and the Charedi establishment. It is based on spurious sources and has dubious validity.
- a 'softer' negative approach - Da'at Torah has a basis in authentic Jewish thought but its modern manifestations and the claims made in its name are often extreme and far-fetched.

**Shiur 2 -** Lo Tasur is not clearly a good source for Da'at Torah. According to most authorities it applies only to the Sanhedrin. The Sefer HaChinuch does apply it to today's Gedolim but his source is unclear. Furthermore it would seem to require the unanimity of the Torah leadership, which is usually lacking. Also, it is not clear how far the scope of Lo Tasur extends into non-halachic areas.

**Shiur 3 -** A stronger source for Da'at Torah may be found in 'Chacham Adif MiNavi' and the Divine assistance granted to the advice of the Gedolim. Perhaps also the 'melech' status of (some?) Gedolim.

**Shiur 4 -** The question of 'who is a Gadol' cannot be easily resolved. At the end of the day the people will adopt their own gedolim. Emunat Chachamim requires an attitude of respect and confidence in our rabbinic leadership. But it also seems to demand of us a sophisticated approach to analyzing what they say and how we are to understand it.