

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

123 - VOTING AND RABBINIC AUTHORITY - PART 1: DA'AT TORAH OU ISRAEL CENTER - SPRING 2019

- With elections approaching in a few weeks, a significant number of people in Israel intend to vote for the party that their rabbis instruct them to. Most (but not all) of these people affiliate with the charedi community.
- Is there any halachic or hashkafic basis to rabbis instructing people how to vote? And if so, do the people have to listen?
- One of the main focuses of this discussion is the concept of Da'as Torah (DT). Loosely, it could be defined as:

"An ideology which teaches that the advice given by great Torah scholars must be followed by Jews committed to Torah observance, inasmuch as these opinions are imbued with Torah insights"¹

- DT, as a term in its modern sense first emerged in connection with the late 19C Chassidic Rebbes. The earliest expressions in the non-Chassidic orthodox community can be seen in the early 20C². It spread through the Old Yishuv in Yerushalayim and from there into the newly formed Agudas Yisroel in the inter-war years. Whatever the origins of the modern expression, some argue that the concept is as old as the Torah itself. Others see it as a much more recent invention.

A] THE SOURCE OF RABBINIC AUTHORITY - LO TASUR

1. ח כִּי יִפְּלֵא מִמֶּדֶד דָּבָר לְמִשְׁפָּט בֵּין-דָּם לָדָם בֵּין-דִּין לְדִין וּבֵין לְנֶגַע לְנֶגַע דְּבָרֵי רִיבֵת בְּשַׁעֲרֵיךָ וְקִמַּתְּ וְעָלִיתָ אֶל-הַמִּקְוֹם אֲשֶׁר יִבְחָר ה' אֱלֹהֶיךָ בּוֹ: ט וּבָאתָ אֶל-הַכֹּהֲנִים הַלְוִיִּם וְאֶל-הַשֹּׁפֵט אֲשֶׁר יִהְיֶה בַּיָּמִים הֵהָם וְדִרְשָׁתָּ וְהִגִּידוּ לָךְ אֵת דְּבַר הַמִּשְׁפָּט: י וְעָשִׂיתָ עַל-פִּי הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ מִן-הַמְּקוֹם הַהוּא אֲשֶׁר יִבְחָר ה' וְשִׁמַּרְתָּ לַעֲשׂוֹת כְּכֹל אֲשֶׁר יֹרֶד: יא עַל-פִּי הַתּוֹרָה אֲשֶׁר יֹרֶד וְעַל-הַמִּשְׁפָּט אֲשֶׁר-יֹאמְרוּ לָךְ תַּעֲשֶׂה לֹא תִסּוּר מִן-הַדָּבָר אֲשֶׁר-יִגִּידוּ לָךְ יָמִין וּשְׂמָאל: יב וְהָאִישׁ אֲשֶׁר-יַעֲשֶׂה בְּזָדוֹן לְבַלְתִּי שָׁמַע אֶל-הַכֹּהֵן הַעֹמֵד לְשָׁרֵת שֵׁם אֲתֶּהּ אֶלְקִיךָ אֹו אֶל-הַשֹּׁפֵט וּמִתְּ הָאִישׁ הַהוּא וּבְעֵרַת הָרַע מִיִּשְׂרָאֵל: יג וְכֹל-הַעֵם יִשְׁמְעוּ וְיִרְאוּ וְלֹא יִזְדוֹן עוֹד

דברים יז-יג

The Torah here vests authority in 'the Rabbis'. Important questions on this include:-

- Which Rabbis does this include? Only the Sanhedrin in the Temple complex? The Sanhedrin even in exile? 'Chazal' - the rabbis of the Talmudic period? Contemporary rabbis?
- What areas of halachic life fall within this authority? According to some commentators, the authority is broad - to engage in the the process of (a) transmission (mesorah); (b) interpretation (drasha) and (c) legislation (mitzvot derabbanan). Others interpret the authority more narrowly.
- Does this authority extend beyond the realm of halacha and if so how far? Issues of hashkafa? Totally non-religious matters?
- How does this authority interface with other related concepts such as Da'at Torah, Emunat Chachamim?

B] DA'AT TORAH - THE MODERN CHAREDI PERSPECTIVE

B1] The Chafetz Chaim

2.

(ה) הוא ה' אומר, מי שדעתו דעת תורה, יכול לפתור כל בעיות העולם בכלל ובפרט, אלא שתנאי התנה, שהדעת תורה תהי' צלולה בלי אינו פני' או נטי' כל שהיא. ואם יש לך אדם, שדעת תורה לו, אלא שמעורבת אפילו מעט עם דעות אחרות מן השוק או מן העתונות, הרי דעת התורה עכורה היא, מעורבת עם פסולת, ואין ביכולתה לרדת לסוף הענין.

חפץ חיים על התורה - עם פירוש מעשי למלך של הרב שמואל גריינימן (pub.1943)

1. See Cohen 2003 p 67. References to articles are as set out in the Bibliography at the end of this source sheet.

2. Some have sought to trace the origins of the expression back even earlier, to Rav Yisrael Salanter - see Kaplan 1992 pp 4-5, footnote 6.

One of the earliest clear definitions of DT comes from the Chafetz Chaim (d. 1933). It describes a Rabbinic perception, derived entirely from Torah, non-secular sources, which is then able to provide a resolution to all worldly problems.

B2] Rav Elchanan Wasserman

3.

ד) אף מי שזכה לשכל ישר, הרי יש גבול לשכלו האנושי. לכן, על המייעץ להכיל דעת תורה שהיא אינסופית ומקוננת בלבד של כל ברתורה. דעתם של האנשים הפשוטים מעורבת בכל מיני השפעות ודעות מן השוק וכיוצא בו, וככל שהתערובת מרובה יותר כך פוחת וקטן האחוז של דעת-תורה צרופה. לפיכך רק מי שמכיל בקרבו דעת-תורה נקיה במאת האחוזים ללא שמץ של תערובת מדעה אחרת כל שהיא, יכול להיות יועץ בר-סמכה!

ה) בנוסף לכל התנאים הנזכרים עדיין יש צורך בכח עילאי הגדול מכולם, והוא: "לאסוקי שמעתתא אליבא דהלכתא" (עיני ביומא כו.). בדרך הטבע אין אפשרות שאדם יכוון מעצמו לדעת-תורה האמיתית; לכך דרושה סיועתא דשמיא ולה זוכים רק יחידי סגולה.

ילקות לקח טוב, דברים, חלק ב' עמ' כא-כג

R. Elchanan Wasserman understands there to be supernatural DT which exists to some degree in every 'ben Torah'. The more a person's mind is mixed with non-Torah ideas, the lower the DT% in that person. Only someone with 100% DT can be a truly reliable adviser. Such people are rare and this level of DT can only be achieved with Divine assistance.

Contrast the following view of Rav Hirsch on the importance of knowledge from outside the strict bounds of Torah!

4. The sphere for human research is limited both in time למן-היום אשר ברא אלקים אדם על-הארץ - to after the creation and in space ולמקצה השמים ועד-קצה השמים - from one end of the heaven to the other end of the heaven. We are denied knowledge of and it is useless to try and probe to find out what was before the creation or what lies beyond the created material world ... But to obtain knowledge of Nature and History which is open to our research within these limits is not only something permitted but something which is eminently desirable to the fullest possible extent, for only a mind armed with such a wide panoramic view on all matters can draw the right conclusions of the Jewish position in the world ...

Rav S.R. Hirsch - Commentary on Devarim 4:32

B3] Rav Dessler

5. I have had the privilege of knowing many of these Torah greats personally, such as the Chafetz Chaim, R' Chaim Brisker, and R. Chaim Ozer, and I have seen them at the conferences concerning Jewry at large. I can honestly say that, even viewed by such puny intelligences as ours, their perceptiveness was astounding; their analytic insights would literally descend to the depths [of the problems] ... When they considered with total self involvement the problems of Jewry purely for the sake of Heaven, it was awe-inspiring to see on their faces the degree and the depth of their sense of responsibility. Indeed, whoever did not see this can never know what a true sense of responsibility is. Whoever had the privilege of standing before them at these moments felt with surety that he was witnessing the *Shechina* resting on their activities and the Divine Spirit standing amidst their company, One might literally recite the blessing, 'Who distinguishes between the Holy and the profane' over the difference between their concerns and other conferences to which we are accustomed.

The Sages said that [we must obey the Beis Din] even when they say that 'left' is 'right'. [One should] not say (perish the thought) that [the *dayanim*] erred because 'I, the puny one, see clearly that they have erred.' Rather, one's own perception must be nullified before the brilliance of their intelligence and their *siyata deshemaya*. The Sages have said "One Sanhedrin cannot nullify [a ruling by] an [earlier] Sanhedrin unless it is greater in wisdom and number." Besides, it is probable that what we perceive to be 'fact' is nothing but fantasy. This is the Torah view [*da'at Torah*] on *emunas chachamim*. The absence of self-negation towards our rabbis is the root of all sin and the beginning of all destruction, while all merits are as naught compared with the root of all - faith in the Sages.

Rav Eliyahu Dessler, Michtav Me'Eliyahu I p75

Rav Dessler proposes various statements regarding listening to the views of the gedolim:-

- Their intelligence and perceptiveness is far greater than ours.
- This applies when/because they were working 'Leshem Shamayim'.
- They have an acute sense of responsibility and keen awareness of their role as leaders of Jewry.
- They have (or at least it seems to us that they have) Shechina/Divine Spirit resting upon them.
- They have *siyata deshamaya*.

- The way they make decisions (Kodesh) is totally different to other leaders (Chol).
- We cannot say that they are mistaken even when it seems to us that this is the case. We must nullify our view to theirs.
- Rav Dessler is comparing them to the Sanhedrin.
- Rav Dessler feels that what he is describing is the same as 'Emunat Chachamim'.
- The roots of this concept, which is central to Judaism, are self-negation.

B4] The Chazon Ish

6. The viewpoint that divides the Torah into two: questions of *issur ve-heter* on the one hand and guidance in everyday life on the other; and holds that for *issur ve-heter* one should subjugate oneself to the sages of one's time, while leaving other matters to one's own free choice - this is the viewpoint held by the heretics of old in Germany who drove their brethren to assimilate with the other nations³ For one to distinguish between instruction regarding *issur ve-heter* and matters of legislation constitutes denigration of *talmidei chachaim* and places one in the category of those who have no place in the world to come

Chazon Ish, Hitorerut (Bnei Brak, 1988)⁴

B5] Recent Additions

The 'modern' discussion on DT was started by a 1963 article in the newly formed Jewish Observer magazine by Rabbi Bernard Weinberger. 7 years previously, in 1956, a major controversy gripped the orthodox community with the publication by eleven major Roshei Yeshiva in America of an official ban on cooperation with Reform and Conservative bodies and, in particular, of membership of the Synagogue Council of America (SCA). The only orthodox body at that time in the SCA was the Rabbinical Council of America (RCA). According to some, the agenda behind the publication of the ban was to pressure the RCA to fall in line with the Da'at Torah of the Agudat Yisrael.

7. [Daas Torah] involves a lot more than a Torah weltanschauung, or a Torah-saturated perspective. It assumes a special endowment or capacity to penetrate objective reality, recognize the facts as they "really" are, and apply the pertinent Halachic principles. It is a form of "Ruach Hakodesh," as it were, which borders if only remotely on the periphery of prophecy
Gedolei Yisrael inherently ought to be the final and sole arbiters of all aspects of Jewish communal policy and questions of *hashkafa* and ... even knowledgeable rabbis who may differ with the *gedolim* on a particular issue must submit to the superior wisdom of the *gedolim* and demonstrate *Emunat Hakhamim*
 There is a widespread tendency in American orthodox organizational life, for instance, to "acknowledge only our own Gedolim," who can then be "used" for the respective purposes of the particular group. But in truth it is only the intuitive collective conscience of the Talmidei Chachomim and Yereim of the age upon whose judgment reliance can be placed in the matter.

Rabbi Bernard Weinberger - 'The Role of the Gedolim', Jewish Observer 1:2

8. Total subservience on all questions of policy to the *daas Torah* of *gedolei Yisrael* is the basic foundation block of Agudath Israel as an ideological movement [*Gedolei Yisrael*] possesses the best credentials for effectively addressing the world's problems.

Rabbi Moshe Sherer, as quoted in 'Rabbi Sherer', Yonoson Rosenblum, Artscroll 2009 pp 197, 198

9. Does one have faith and recognize the authority and dependability of the *gedolei Torah* who issue the *psak din* or not? If one lacks faith in their competence and sincerity, then all the halachic sources in the world are meaningless.... Instead of opening a debate between Lilliputians and giants on halachic issues, the issue must be faced squarely Does anyone have the right to refuse to accept a psak din in which all the *gedolei Torah* in the world concurred?

Rabbi Moshe Sherer, *ibid* p199

10. So let it be said very clearly. Total subjugation to Torah, total subservience to Daas Torah is not a democratic right. It is Divinely ordained!

Rabbi Shimshon Sherer, in a speech to Agudath Israel Convention, Nov 26 2011⁵

3. It would be interesting to trace whether this comment is in any way related to the statement of R. Yehudah Leib Maimon (Fishman) concerning Rav Kook's opposition to women's rights to vote in the first Yishuv elections in the early 1920s - "In matters of *issur ve-hetter* ... we consult the rabbis, but in matter of life in the public sphere they must ask us!" בענייני איסור והיתר נשאל את הרבנות. אבל בענייני החיים שבשוק עליהם לשאול אותנו

4. Note that the Chazon Ish does not specifically refer to DT in this extract or indeed in most of his other writings - see Kaplan 1992 note 25.

5. See <https://www.youtube.com/watch?v=eev33ZyRkA>

11.

ment on the part of Kaplan. What is *halacha* if not "questioning"? Whatever *Daas Torah* is, it is not blind acceptance without attempting to understand, interpret and reason. But after we have exhausted all our resources of understanding and reason, when we reach the area of faith and obedience, then *Daas Torah*, like *mitzvos* and *halacha*, prevails. There are those who have the ability to be "unquestioning," so great is their trust in their mentor. There are those who question, study the matter, and only then accept. But in the end, the "ethic of submission" pertains to all.

submission as the *shtraimel*. *Daas Torah* in no way prevents creativity and self-expression from developing. Instead, it gives it a standard and guide by which it may be nurtured for the benefit of Torah and Israel.

We have no perfect people, no infallible leaders. *Daas Torah* is the best reasoned opinion of this sage on a particular issue. Since, for his followers, or for those who consult him, or for the general Jewish public who defer to him, this is the best opinion available, it should be followed. Whether the opinion was "right" is beyond human judgment. For knowing what is "right" is to read G-d's mind—a talent that none of us has.

Rabbi Berel Wein, *Daas Torah*, Jewish Observer Oct 1994 p4

12.

Da'at Torah is not some Jewish equivalent to the Catholic doctrine of papal infallibility. Not only can rabbis make mistakes of judgment, there is an entire tractate of the *Talmud*, *Horiut*, predicated on the assumption that they can, that even the Sanhedrin is capable of erring, even in halachic matters. What Da'at Torah means, simply put, is that those most imbued with Torah-knowledge and who have internalized a large degree of the perfection of values and refinement of character that the Torah idealizes are thereby rendered particularly, indeed extraordinarily, qualified to offer an authentic Jewish perspective on matters of import to Jews - just as expert doctors are those most qualified (though still fallible, to be sure) to offer medical advice.

What compels the concept of Da'at Torah is nothing less than belief in the transcendence of Torah. In Jewish theology, Torah encompasses every corner of life. It is not limited to matters of Jewish law and practice. It extends to how one is to view happenings and face challenges, in one's community, in one's country, on one's planet.

The phrase Da'at Torah may be a relatively new one, but the insinuation that the concept it reflects is some sort of modern invention by "unmodern" Jews is absurd. "*Emunat chachamim*," or "trust in the judgment of the Torah-wise," has been part and parcel of Jewish tradition for millennia. The Talmud and Jewish history are replete with examples of how the Jewish community looked to their religious leaders for guidance about social, political and personal decisions - decisions that, as believing Jews, they understood must be based on authentic Torah values.

Rabbi Avi Safran, *What Da'at Torah Really Means*, The New York Jewish Week⁶

13.

Many of us realize that the concept of *Daas Torah* underwent a transformation in the last decades. Some of it was for the better; much not. It has worked for some people, and put others on spiritual skids. The new *Daas Torah* has stifled individuality and creativity, and muted the voices of local rabbonim. It has narrowed the boundaries of our world, and erased diversity. It has contributed to a backlash in some parts of the Orthodox world that have thrown out the notion of authority altogether, and replaced it with the *eigel ha-zahav* of personal autonomy.

Many of us have watched friends, neighbors, talmidim grow secretly cynical of all rabbinic pronouncements in such a system. They conform outwardly, and secretly reject. For those of us who remain intensely committed to the importance of *Daas Torah* - at least the way it was understood not so long ago, and for centuries before - this is the unkindest cut of them all. The stretching of *Daas Torah* beyond what it ever was for the purpose of elevating it has succeeded in toppling it altogether in parts of the *Olam Ha-Torah*.

This should not be. We must have the courage to forego going "to the top" for every decision in life, personal and communal. We must reinvest confidence in local *morei hora'ah* - and in ourselves. We must do this not to destroy *Daas Torah*, c"v, but to save it from its own excess.

Rabbi Yitzchak Adlerstein - Cross Currents March 26 2015 - Askanim For Hire?

6. See www.tzemachdavid.org/amechad/daastorah.shtml for the full article

C] DA'AT TORAH - NON-CHAREDI PERSPECTIVES

14. 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.

The distinction between a prophet and a *hakham* is clear enough. When a prophet instructs on *divrei reshut*, not only are we commanded to obey, but 'it is forbidden to have any thoughts of doubt or to contemplate the possibility that the prophecy never took place, and it is forbidden to challenge him excessively' (10:6). With a *hakham*, however, *emunat hakhamim* requires us to clarify and elucidate his every word, and one who does not do so is simply a "fool who believes anything." If this is true for Torah, then even more so for *divrei reshut*. "He who trusts in his own heart is a fool, but one who acts with wisdom will prevail."

Rabbi Nachum Rabinovitch, *What is Emunat Hakhamim*, Hakira Journal Vol 5 p45⁷

15. While Piekarz, Bacon and Ross focus on different ideological processes and movements in their accounts of the development of the notion of Daas Torah, their accounts are more complimentary than contradictory, inasmuch as they share one critical element in common. For in all three accounts the notion of Daas Torah arises as a response to the various challenges that the modern world poses to the authority of the Rabbinic tradition.

In Piekarz's account, the concept of Daas Torah is put forward as part of the chassidic attempt to affirm the essential heteronomy of the halachic tradition in light of the dangers that the modern emphasis on autonomy poses to the binding authority of Rabbinic law. In Bacon's account, the concept of Daas Torah emerges as part of the attempt to bolster the political and communal authority of the spokesmen of the rabbinic tradition in light of the ideological and political challenges posed to these spokesmen by secular Jewish movements and parties. Finally, in Ross's account, Daas Torah serves as a key element in developing an approach to the study of Torah that would guarantee the validity of traditional rabbinic interpretation of the law in light of the skeptical challenge posed by the hermeneutic revolution.

Precisely these manifold changes to the authority of the rabbinic tradition, then, led many of the defenders and exponents of that tradition to make extreme and far-reaching theoretical claims on its behalf and, even more important, on their own behalf, as the authorized representatives of that tradition. In sociological terms: "Status anxiety increases the assertiveness of status claims"

Prof. Lawrence Kaplan, *The Orthodox Forum*, 1992 p55 note 84

16. This brings us to the familiar shibboleth of *da'at Torah*. This concept is generally in disrepute among varieties of modern Orthodoxy, who have sought to challenge both its historical progeny and its philosophical validity. I must confess that I find myself, in principle, more favorably disposed towards the idea. I readily concede that the concept, in its more overarching permutations, is of relatively recent vintage Furthermore, I freely concede that, at times, acknowledged leaders of the Torah world issue pronouncements which anyone with even a trace of modern sensibility finds it difficult to fathom, let alone accept [*Rav Lichtenstein here describes and critiques a statement of Rav Shach on Chazal and astronomy*]

Nevertheless, beyond reservations, I find the alternate view, that *gedolei Torah* are professional experts whose authority and wisdom can ordinarily be regarded as confined to the area of their technical proficiency, simply inconceivable. Our abiding historical faith in the efficacy of Torah as a pervasive ennobling, informing and enriching force dictates adoption of the concept of *da'at Torah* in some form or measure. Still, contrary to the historical course of the idea, I find it less applicable today than heretofore. At a time when many *gedolim* do not spring organically from the dominant Jewish community to whose apex they rise, but rather distance themselves from it; when the ability to understand and communicate in a shared cultural or even verbal language is, by design, limited - the capacity of even a *gadol* to intuit the sociohistorical dynamics of his ambient setting is almost inevitably affected.

Rav Aharon Lichtenstein: Legitimization of Modernity - Classical and Contemporary, *Engaging Modernity - The Orthodox Forum* 1997 p20-22

7. available at www.hakirah.org/Vol%205%20Rabinovitch.pdf

17. In Eastern Europe of the last century, the rosh yeshiva was the equivalent of a head of an advanced institute, distinguished and respected, but without significant communal influence. He was appointed because of his mastery of the book, and to the book and school he was then confined. This mastery now bestows upon him the mantle of leadership. And that mantle has become immeasurably enlarged, as the void created by the loss of a way of life (the *orah hayyim*), the shrinkage of a culture, manifests itself. Social and political issues of the first rank are now regularly determined by the decisions of Torah sages.

Admittedly this need for direction and imprimatur is partly the product of the melding of hasidic and misnaggdic ways of life, as the two joined forces against modernity. The hasidim have adopted the mode of Talmudic study and some of the ideology of misnaggdim. In turn, the misnaggdim have adopted some of the dress of the hasidim and something of the authority figure who provides guidance in the tangled problems of life. This blending of religious styles is, to be sure, part of the story, but the crisis of confidence in religious circles is no less a part.

This new deference is surprising, as political issues generally lie beyond the realm of law, certainly of Jewish law (Halakhah), which is almost exclusively private law. When political issues do fall within its sphere, many of the determinative elements—attainability of goals, competing priorities, tradeoffs, costs—are not easily reducible to legal categories. Yet the political sphere has now come, and dramatically so, within the religious orbit.

Political reactions are not innate. Opinions on public issues are formed by values and ways of looking at things. In other words, they are cultural. Feeling now bereft, however, of its traditional culture, intuiting something akin to assimilation in a deep, if not obvious way, the acculturated religious community has lost confidence in its own reflexes and reactions.

Sensing some shift in its operative values, the enclave is no longer sure that its intuitions and judgments are—what it has aptly termed—“Torah-true.” It turns then to the only sources of authenticity, the masters of the book, and relies on their instincts and their assessments for guidance. Revealingly, it calls these assessments “da'as Torah” - the “Torah view” or the “Torah-opinion”.

Rabbi Haym Soloveitchik, *Rupture and Reconstruction: The Transformation for Contemporary Orthodoxy: Tradition*, Vol. 28, No. 4 (Summer 1994)

18. We strongly believe in not reducing halakha to an obstacle course of dos and don'ts or a technical system devoid of larger values and ideals. If so, would we not want the involvement of those with the greatest expertise in Torah in applying halakhic values beyond the boundaries of strict Jewish law? [Footnote 3] Many Modern Orthodox thinkers have been adamant about the importance of ethical obligations beyond concrete halakhic norms. It would be odd for the same community to adopt an overly narrow legalistic stance regarding the question of Daas Torah

‘Da’as Torah’ Revisited: Contemporary Discourse About the Rabbinate, Rabbi Yitzchak Blau, *Tradition* 2015 (48:2-3)

D] DA'AT TORAH - RAV SOLOVEITCHIK'S PERSPECTIVE

19. The very same priest, whose mind was suffused with the holiness of the Torah of R' Akiva and R. Eliezer, of Abbaye and Raba, of the Rambam and Rabad, of the Bet Yosef and the Rema, could also discern with the holy spirit [*roeh be-ruach hakodesh*] the solution to all current political questions, to all worldly matters, to all ongoing current demands

In recent times, a new approach has arisen in the Jewish people, which distinguishes between the Torah genius [*gaon*] of the generation and the leader of the generation. This approach states that Torah Sages ... are not fitting to carry the Choshen Mishpat which rules on all the complexities of the daily life of Klal Yisrael. These *Gedolim* cannot be relied upon to direct the people in ever-changing political issues. Those who rule in halacha on *agunot* and *issur ve'heter* cannot be relied upon to rule in halacha on matters pertaining to the relationship of the Jews to the non-Jewish world.

Rav Joseph B. Soloveitchik - *Eulogy for R' Chaim Ozer Grodzinsky Ha-Pardes* 14:7 (September 1940) 5-9

A classic Charedi perspective on the role of the gedolim in general issues was expressed by Rav Soloveitchik⁸ in a hesped for Rav Chaim Ozer Grodzinsky⁹ in 1940

8. At this time, the Rav was a Vice-President of Agudat Yisrael of the United States, having been instructed by Rav Chaim Ozer in the 1930's to establish and support the movement in America. This was in spite of the Rav's father's involvement in the Mizrachi movement. The Rav later left Agudat Yisrael and moved to the Mizrachi movement in 1946. Rav Soloveitchik's position on the controversial 1956 SCA ban is unclear, with some claiming that he was initially sympathetic to the ban but most others insisting that he was entirely against it. For a detailed treatment see www.zootorah.com/RationalistJudaism/Haredi_Construction_of_Rabbinic_Authority2.pdf note 26 on page 8.

9. Rav Chaim Ozer was himself a proponent of DT. In a famous letter which he wrote in 1933 to Rav Meier Hildersheimer who was seeking to transfer the Berlin Rabbinic Seminary to Israel, Rav Chaim Ozer instructed him in writing very clearly not to do so and stated “I told him and requested that he report to others my *Daat Torah* that this should not be done under any circumstances”. See Kaplan 1992 notes 15 and 33. For more on this episode see Prof. Marc Shapiro - *Between the Yeshiva World and Modern Orthodoxy* pp129-134 and an excellent shiur by Rav Shnayur Leiman:

www.yutorah.org/lectures/lecture.cfm/732091/Dr_Shnayur_Leiman/The_Failed_Attempt_to_Bring_Torah_and_Derech_Eretz_to_the_Land_of_Israel

20. There is one power authority that the Torah not only sanctions but encourages in Jewish society - that of the teacher-student relationship. Our leader is not the king nor the warrior, but the Torah scholar whose authority is that of a *Rebbe* over his *talmidim*
... the authority of a teacher is not imposed; no coercion or political instrument is employed. A Torah teacher is freely accepted and joyfully embraced. His authority emerges from his personality; his learning and selflessness are acknowledged. Not fear but affection and respect motivate one's submission. A teacher is a master, like a king.

Reflections of the Rav vol 1 pp 133, 135, Rabbi Abraham Besdin, pub 1979

21. But even more important is the Rav's general approach to the nature of rabbinic authority, which in his view was limited to the domain of pesak halakha. He respected the right of individuals to form their own opinions and attitudes with respect to matters which were not subject to halakhic legislation. Because of his respect for human autonomy and individuality, he never wanted to impose his particular attitudes upon others or even offer his personal opinions as Da'at Torah.^[28] On the contrary, when I turned to him for guidance on policy matters, which at times also involved halakhic considerations, he frequently replied that I should rely upon my own judgment. Similarly, whenever the Rav expounded on his philosophy of halakha, he stressed that these were merely his personal opinions which he was prepared to share with others but which did not possess any kind of authoritative status.

This non-authoritarian approach runs counter to current trends in the Orthodox community which seeks authoritative guidance from halakhic luminaries on all policy matters. Nowadays, fundamentalism flourishes because, as Eric Fromm has pointed out, there are many who desperately seek an escape from personal responsibility. Although the Rav's approach does not satisfy the demand for dogmatic pronouncements, in the long run it holds the greatest promise for those seeking to combine commitment to halakha with a selective acceptance of the ethos of modernity, which emphasizes the preciousness of individual autonomy and freedom. According to the Rav, these "modern" values are implicit in the biblical and rabbinic doctrine of *kevod ha-beriot*, the dignity due to human beings by virtue of their bearing the *tzelem Elokim*.

[28] I am of course aware that in his eulogy on R. Hayyim Ozer Grodzinski ("Nosei Hatzitz ve-hahoshen" in Joseph B. Soloveitchik, *Divrei Hegut ve- Ha'arakha* (Jerusalem: World Zionist Organization, 1991), pp. 187-94) the Rav insists that the authority invested in rabbinic leadership must not be restricted to formal halakhic rulings, but also extends over public policy issues. It must, however, be borne in mind that the Rav referred here to an official Rav of a community whose authority was formally recognized by election or appointment to a position of leadership. This must not be confused with the Da'at Torah dispensed by various Roshei Yeshiva who cannot claim a public mandate for guidance of a community.

Rav Joseph B Soloveitchik as a Posek of Post-Modern Orthodoxy, Rabbi Walter Wurzbarger, Tradition 29:1 (1994)¹⁰

22. God handed over technical legal matters to the authority of the Sages, to rule on what is clean and what unclean, to decide between obligation and exemption, forbidden and permitted. But in historical questions, not those relating to the legal status of ovens, food or determination of fixed monetary obligations, but those relating to the destiny of the Eternal People, God Himself decides as to whose interpretation shall become the 'law' (the historical development). Nor can anyone dispute the ruling of G-d in this domain. In the controversy between Joseph of yore and his brothers thousands of years ago, God decided in accord with Joseph's interpretation of the historical process. In our days the Creator of the universe similarly decided that the (historical) 'law' will be as the Joseph of 5662 (religious Zionists) had predicated - in accord with the view of him who had little faith in the future of East European Jewry and who dreamed of another land and other conditions.

I would like to ask a simple question: what would the yeshivot and Torah scholars rescued from the holocaust - those burning embers taken from the fire - have done if the Joseph of 5662 had not trod a path for them in the land of Israel, and had not made possible the transplanting of the Tree of Life of Lithuania and other lands in the Holy Land?

Rav J.B. Soloveitchik's address to the Mizrachi conference 1962(?), And Joseph Dreamt a Dream, printed in 'The Rav Speaks' p32

23. The Agudah, with its Da'ath Torah, achieved four seats with difficulty.

Rav J.B. Soloveitchik's address to the Mizrachi conference 1963(?), The Revolving Sword and the Two Cherubim, printed in 'The Rav Speaks' p83

24. Regarding Rav Soloveitchik's views, Rabbi Rakeffet told me that, as a result of the Holocaust, Rav Soloveitchik came to the realization that many lives were lost because of the lack of independent thought. Therefore he came to the view that it was important not to blindly follow the views of gedolim and that one should also use his own seichel

Rav Daniel Eidensohn, posted on his blog Daas Torah on October 20, 2008

10. Available at www.lookstein.org/articles/soloveitchik_posek.htm

25. There is enough public oral evidence that the Rav did not favor direct rabbinic intervention in political affairs, especially where they lack the requisite expertise to speak with authority. His 1967 ruling that decisions about possible territorial compromise in the land of Israel for the sake of peace should be made by experts in the field, rather than by rabbis, is currently the most discussed example of his outlook. While I am reluctant to rely on private comments, I am sure that many who enjoyed the Rav's company can confirm my recollections of sarcasm on the subject of rabbis whose adherents encourage them to pontificate on matters of which they were inadequately informed. If his outlook can be inferred from his practice, it is appropriate for gedolei Torah who comment on public matters to recognize the complexity of human affairs and the existence of different informed opinions on most contested questions, and to modulate their voices accordingly.

As noted earlier, such leadership inculcates the right "frame of reference" for individual and communal decisions rather than imposing such decisions from above. This model of teaching authority is alive and well in certain segments of our community, though not as much as one might wish, where laity and middle-level rabbinic scholars respectfully solicit and listen to multiple perspectives among their teachers, who, in turn, treat their audience and opponents with respect

The Rav's practical orientation towards the idea of da'at Torah has been presented by some of his most faithful talmidim. R. Aharon Lichtenstein, for example, has written about the importance of such guidance. And R. Walter Wurzbarger, in arguing that religious ethics requires personal examples, model individuals who embody Torah and are worthy of emulation, especially in areas where right conduct cannot be formulated in precise halakhic categories, has observed the relation between this insight and the special status of gedolim. Though we believe, following the Mishnah (Avot 3:1) that wisdom is the ability to learn from all human beings, how can we not grant pride of place to those who have seen Torah steadily and seen in whole (to adapt Matthew Arnold's line)? The alternative is virtually unthinkable.

R. Shalom Carmy *Torah U-Mada Journal Vol 13 (2005), Rabbinic Leadership in Two Discussions by R. Joseph B Soloveitchik (pp. 10, 12)*¹¹

26. True, he did not, in the long run, hold aloft the banner of the ideology that is now termed "Da'at Torah," which maintains that every political question has an essentially halakhic character, and is thus susceptible to the obligatory and exclusive decisions of the gedolei Torah. At first he inclined to this view, and even asserted it with enthusiasm. As he said, in his eulogy for R. Hayim Ozer.

After a time, he abandoned this view, and in the course of decades he accepted and even sharpened the distinction between matters involving mitzvot (divrei mitzvah), which are to be decided by halakhic decision-makers, and other matters (divrei reshut), in which significant weight is attached to the opinions and authority of other leaders, or to private judgment. Nevertheless, although he rejected the decisive reach of rabbinic authority in political matters, he was insistent that such matters be determined from a perspective of refined spirituality and in consonance with Torah values. And he fully recognized that he was one of the few who could bring the proper measure of spirituality to bear upon Religious Zionism so as to ensure its standing as a Torah movement.

R. Aharon Lichtenstein (Leaves of Faith, vol. 1 pp. 227-228:

27. We also heard similarly regarding political matters, that many times R. Chaim [Soloveitchik] reached a decision and did not allow other rabbis to vote and disagree with him. This is in accord with the aforementioned view of the Vilna Gaon, that these Torah giants believed that they had succeeded in achieving an absolute conclusion from which there is no room to deviate right or left. However, our teacher [R. Joseph B. Soloveitchik] frequently said -- many times -- that he does not say "Accept my view." He would say this regarding both halakhic and political matters.

I heard from R. Norman Lamm that our teacher was once asked about a political matter, and the rabbi responded to the questioner on the issue. The questioner then asked, "Is our teacher's 'Da'as Torah' such-and-such?" Our teacher immediately responded, "I did not say 'Da'as Torah.' I only said my opinion and the listener will choose." It seems to me that his words mean as follows: People tend to use the phrase 'Da'as Torah' as meaning an absolute conclusion from which the listener has no permission to discuss or disagree. This was not the approach of our teacher, as is famous and known to all.

R. Hershel Schachter, *MiPninei Rabbeinu: Kuntres Beinyanei Psak Halacha, Beit Yitchak Journal (2006) Vol 38 p. 4*

- In Part 2, we will iy'H look in more detail at the mitzva of Lo Tasur and its application to today's Rabbis and their authority over the contemporary community.

11. Available at www.yutorah.org/lectures/lecture.cfm/715601

ENGLISH BIBLIOGRAPHY

1. 'Cohen 2003' - *Da'at Torah*, Rabbi Alfred Cohen, Journal of Halacha and Contemporary Society, Spring 2003; www.jlaw.com/Articles/cohen_DaatTorah.pdf
2. *Observations On And Beyond Rabbi Alfred Cohen 's "Daat Torah"*, Yitzchak Kasdan; www.jlaw.com/Articles/observ-on-daat.html
3. *What is Emunat Hakhamim*, Nachum Eliezer Rabinovitch, Hakira Journal Vol 5, p 35
4. 'Kaplan 1992' - *Daas Torah: A Modern Conception of Rabbinic Authority*, Lawrence Kaplan, Rabbinic Authority and Personal Autonomy - The Orthodox Forum: Rabbinic Authority and Personal Autonomy, pp 1-60
5. 'Kaplan 1980' - *Rabbi Isaac Hutner's 'Da'at Torah Perspective' on the Holocaust: A Critical Analysis*, Lawrence Kaplan, Tradition 18:2 (Fall 1980) pp 235-48
5. *Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy*, Rabbi Haym Soloveitchik, Tradition 28 (1994) 64-130
6. Tradition 27.4 (Summer 1993) - An edition entirely dedicated to the issue of Rabbinic Authority
7. *Da'at Torah: The Unqualified Authority Claimed for Halakhists*, Jacob Katz, Jewish History 11 No 1 Spring 1997 pp 41-50
8. *What Da'at Torah Really Means*, Rabbi Avi Shafran, New York Jewish Week, available at www.tzemachdavid.org/amechad/daastorah.shtml
9. *Interview with Professor Lawrence Kaplan*, Conducted by Baruch Pelta on December 22, 2008 at the 40th Association for Jewish Studies Conference, available at <http://seforim.blogspot.co.il/2009/10/interview-with-professor-lawrence.html>
10. *The Eye of the Storm*, Rav Aharon Feldman, Chapter 21 - Rabbinic Authority (Da'as Torah)
11. *Daas Torah: Tapping the Source of Eternal Wisdom*, Rabbi Yaakov Feitman, The Jewish Observer, May 1992 pp12-27
12. *Interview with Rabbi Avi Shafran about Moses Mendelssohn, Torah im Derech Eretz, Da'as Torah, Science and Torah and the Slifkin Affair*
<http://daattorah.blogspot.co.il/2011/08/who-is-rabbi-avi-shafran-interview-with.html>
13. *Haredi Construction of Rabbinic Authority*, Baruch Pelta
www.zootorah.com/RationalistJudaism/Haredi_Construction_of_Rabbinic_Authority2.pdf
14. *Communications - Letters in response to Kaplan 1980* - Tradition 21:2 (1983) pp 180-187
www.traditiononline.org/news/originals/Volume%2021/No.%202/Communications.pdf
15. *'The Heart Pained by the Pain of the People' - Rabbinic Leadership in Two Discussions by Rabbi Joseph B. Soloveitchik*, Rabbi Shalom Carmy, Torah U'Maada Journal (13/2005), www.yutorah.org/tumj/
16. Sources for Daas Torah - Rabbi Dovid Gottleib - www.dovidgottlieb.com/comments/DAASTORAH.htm
17. *The Role of the Gedolim*, Rabbi Bernard Weinberger, Jewish Observer 1:2 (Oct 1963) p. 11
18. *Daas Torah: An Ancient Definition of Authority and Responsibility in Jewish Life*, Rabbi Berel Wein, Jewish Observer, (Oct 1994)
19. 'Da'as Torah' Revisited: Cotemporary Discourse About the Rabbinate, Rabbi Yitzchak Blau, Tradition 2015 (48:2-3)
<http://www.traditiononline.org/pdfs/48.2/0008-0028.pdf>
20. If There Is No "Da'at", How Can We Have Leadership?, Rabbi Aharon Lichtenstein 2012
<http://www.zootorah.com/RationalistJudaism/DaatTorahLichtenstein.pdf>