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“DAAS TORAH” REVISITED: CONTEMPORARY DISCOURSE ABOUT THE RABBINATE

Attitude towards the doctrine of *Daas Torah* is often a significant dividing line in the contemporary Orthodox world. A spectrum of voices debates what role rabbis should play in realms beyond strict halakha. For example, should rabbinic voices influence choices regarding which political party to vote for or whom to marry? Shifting from a practical to a philosophical formulation, ideologues differ in determining the proper balance between authority and autonomy in religious life. Many of the academic studies of this topic focus on the historical question of whether or not the concept of *Daas Torah* existed earlier in Jewish history and, if not, which element of modern Jewish history brought it to the fore.¹ Without denying the importance of the historical inquiry, I would like to shift the emphasis to more ideological questions. Should we be in favor of *Daas Torah*? What are strengths and weaknesses of granting rabbis more authority in communal and personal decisions? Our inquiry will also analyze the larger role of discourse about *gedolim* and rabbis in our community. Does such discourse help or hinder realization of our communal ideals?²

No segment of the Orthodox community practices an absolute version of *Daas Torah* in which rabbinic leadership determines every personal and communal decision. Furthermore, even when a given community’s discourse advances a particular theory of decision-making, gaps

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¹ See the articles by Gershon Bacon, Jacob Katz, Lawrence Kaplan, and Mendel Piekarcz cited in Benjamin Brown, “The Doctrine of Daat Torah: Three Stages” [in Hebrew], in *Derekh ha-Ruah: Sefer ha-Yovel le-Eliezer Schweid* (ed. Yehoyada Amir; Jerusalem: Hebrew University, 2005), 537-600.

² For discussion of some of the issues, see the articles collected in *Tradition* 27:4 (Summer 1993) and in *Bein Samkbut le-Autonomoya be-Mahshevet Yisrael*, ed. Avi Sagi and Zev Safrai (Tel Aviv: ha-Kibbutz ha-Meuchad, 1992).

often exist between theory and practice. That being said, communities do differ in their attitude to decision making and these differences matter. For example, note the influence wielded by rabbis in various communities concerning Israeli elections. This essay's discussion will begin on the more theoretical plane and then turn to *Daas Torah* and communal attitude towards rabbinic figures as they play out in the real world.

THE NEED FOR AUTHORITY

Our tradition certainly recognizes rabbinic authority in the halakhic sphere; Deuteronomy 17:8-13 instructs Jews to seek out the rulings of legal authorities when halakhic conundrums emerge. Although we could limit the rabbinic voice to technically legal areas and expect rabbis, qua rabbis, to remain silent in other arenas, I think such a position untenable. 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?³ In fact, we sometimes fault rabbis for not contributing in realms not clearly covered by halakha. As Yaacov Blidstein writes:

We frequently hear complaints about Rabbis' and halakhic authorities' detachment from the essential social and ethical issues of our communal life. For example, why do we not hear the rabbinic voice regarding the topic of rising unemployment? Why are rabbis not seen standing beside embittered employees? However, based on what authority do we want the Rabbi to speak his piece, as a regular citizen or as an authority figure?⁴

Shalom Carmy's trenchant comments are also relevant:

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*. For a discussion of the relationship between validating ethical intuitions and *Daas Torah*, see Walter Wurzburger, *Ethics of Responsibility: Pluralistic Approaches to Covenantal Ethics* (JPS: Philadelphia, 1974), 33-34, and David Shatz, "Review Essay: Beyond Obedience: Walter Wurzburger's Ethics of Responsibility," *Tradition* Winter 1996, pp. 84-85.

⁴ Yaacov Blidstein, "*Siah Mesorati ve-Siah Moderni: Od al Autnomia ve-Samkbut*," *Ayin Tova: du-Siah ve-Pulmus be-Tarbut Yisrael*, ed, Nahem Ilan (Hakibbutz Hameuhad, 1999), 691. The translation is my own.

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Today we hear criticism of Rabbis who involve themselves in party politics or who take outspoken positions on public matters that deviate from the critic's. At the same time, Rabbis are dismissed as cloistered and timorous men where they steer clear of the dust and heat of public controversy.⁵

We cannot criticize rabbis for not taking moral stands on such issues while simultaneously maintaining that the rabbinic voice should restrict itself to items explicitly discussed in the *Shulhan Arukh*. Furthermore, if we have confidence in Torah knowledge as a source of wisdom and insight and as a powerful spur towards ethical excellence, would we not want those most affected by Torah sources to help guide our confrontation with communal dilemmas? R. Aharon Lichtenstein says it beautifully:

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.⁶

Of course, this does not mean that rabbinic authority functions in the identical manner in non-halakhic as in halakhic forums or that the contemporary adoption of *Daas Torah* is free of shortcomings. Regarding the former, several traditional sources indicate that *hashkafic* issues are not subject to determined resolution in the same way as halakhic issues.⁷ Regarding the latter, R. Lichtenstein goes on to express some reservations about the current application of the doctrine, and we shall soon explicate our own qualms. Nonetheless, without yet addressing the question of what role rabbis play outside of technical halakha, we can affirm that they should have some influence there.

Some Modern Orthodoxy adherents seem ready to curtail rabbinic authority in the legal realm as well. Frustrated that noted rabbinic

⁵ Shalom Carmy, "Who Speaks for Torah – And How," *Religious Zionism: After Forty years of Statehood*, ed. Shubert Spero and Yitzchak Pessin (Jerusalem: Mesilot, 1989), 157. The same author returned to these questions in "A Pistol Shot in the Middle of a Concert – And a Shocking Statement of R. Kook," *Tradition* 47:1 (Spring 2014), 1-7.

⁶ Aharon Lichtenstein, "Legitimization of Modernity: Classical and Contemporary," in *Engaging Modernity: Rabbinic Leaders and the Challenge of the Twentieth Century*, ed. Moshe Z. Sokol (Northvale: Jason Aronson, 1997), 22.

⁷ See the discussion in Marc B. Shapiro, "Is There a 'Pesak' for Jewish Thought," *Jewish Thought and Jewish Belief*, ed. Daniel Lasker (Ben Gurion University of the Negev Press: Beer Sheva, 2012), 119-140.

authorities have not been more liberal about women's ritual possibilities or the laws of family purity, individuals not known for halakhic expertise have penned influential articles advancing novel legal positions. Those relying on these writings implicitly reject the idea of restricting authority to recognized experts. Yet almost all walks of life and institutions acknowledge authority figures who possess greater expertise. It would be odd for the Modern Orthodox community to deny greater stature to halakhic authorities but accept the idea of authority regarding other types of proficiency. Many members of the community appear quite willing to cede influence over to therapists, doctors, media consultants, and university professors but do not want rabbis receiving equivalent recognition. The value of expertise applies to Jewish law as well and we should grant greater credence to those with more extensive knowledge accompanied by integrity.

LIMITS OF EXPERTISE

Having argued in favor of rabbinic authority in the halakhic realm and of the rabbinic voice having a say within non-legal spheres, we now need to explain our profound discomfort with *Daas Torah*. Why do we find the idea of a rabbi instructing us about whom to marry or which profession to adopt highly problematic? I suggest that two basic categories lie at the heart of our negativity about *Daas Torah*. The expertise argument only carries weight when authorities speak about areas in which they truly have outstanding knowledge. However, asking rabbis for opinions on an entire host of extralegal topics often assumes that their expertise applies to society, politics, business, and science. If we assume that some kind of *ruah hakodesh* enables great rabbis to achieve insight in all realms of knowledge or that they can get the answers by reading between the lines of Torah, then the problem falls away.⁸ Empirically, this does not seem to be the

⁸ For an example of such an approach, see R. Chaim Yaakov Goldvicht's contribution to the symposium entitled "*ha-Halakha ke-Mekhavenet ha-Metsiut be-Temurateha*" in *Hagut ve-Halakha*, ed. Yitshak Eisner (Jerusalem: Misrad ha-Hinnukh ve-haTarbut, 1972), 201 – 211. R. Goldvicht, long time Rosh Yeshiva of Yeshivat Kerem be-Yavne, relates how a *talmid hakham* who composed a seven hundred page book on the laws of *bekhorot* received criticism for focusing on a topic less relevant than a discussion of contemporary hospitals. In response, R. Goldvicht argues that those engaged in the act of Torah study with the purest intentions will receive divine guidance towards solving societal problems. When done correctly, the scholar studying the blemishes of first born animals will be equipped to offer the best advice regarding the construction and maintenance of hospitals. Granted the rhetorical nature of these remarks and the

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case. Indeed, a longstanding strand in our tradition restricts the specialized knowledge of our *gedolim* to Torah matters. The gemara already says that the gentile sages had a more reasonable position than the Jewish sages regarding the daily movement of the sun (*Pesachim* 94b). No one today practices the medical approaches appearing in *Hazal*. While some maintain that this is because we cannot identify the herbs properly or we do not know the correct proportions of various ingredients,⁹ the Geonim explained that *Hazal* were simply reporting the science of their times and spoke with no special authority in the realm of medicine.¹⁰ Therefore, we only utilize Talmudic medicine when contemporary doctors endorse the approaches. Rambam adopts a similar stand regarding the physics and astronomy of *Hazal*.¹¹

Perhaps the most striking source in this spirit is a letter that R. Shnuer Zalman of Lyadi wrote to his hasidim that had been seeking his business advice.

Come now, and let us reason together, remember the days of old, consider the years of many generations, Was there ever anything like this, and where then, did you find such a custom in any of the books of any of the *haklmei yisrael*, either *rishonim* or *aharonim*, that there should be a praiseworthy custom to ask for worldly counsel, as to what to do with respect to secular matters, of even the great *haklmei yisrael* of old, such as *tannaim* or *amora'im*, to whom no secret was foreign and to whom even the byways of Heaven were familiar; with the sole exception of actual prophets. For in truth, all human matters, except for those of Torah and *yir'at shamayim*, are grasped by prophecy alone, and bread is not to the wise, as *Hazal* said” “Everything is in the hands of heaven except for fear of Heaven.”¹²

Given the current association between Lubavich *hasidut* and an extremely strong notion of the rebbe bearing authority and expertise in all matters, this letter takes on added significance. R. Shneur Zalman did not assume that he had any special insight regarding the question of investing money in wood or livestock. Ask rabbis questions about Jewish law and Jewish

caveat that this divine aid depends on absolute idealistic motivations, R. Goldvicht still presents a theoretical position which potentially justifies a very broad conception of rabbinic authority.

⁹ *Havvot Yair*, no. 234.

¹⁰ *Otsar ha-Geonim*, *Gittin* 68b.

¹¹ *Moreh Nevukhim* 3:14.

¹² *Tanya*, *Iggeret ha-Kodesh*, no. 22. The translation is taken from Lichtenstein, op. cit., 20-21.

thought, not about pragmatic matters of finance. Beyond the question of limited expertise, one wonders if something else was bothering the *Ba'al ha-Tanya*. It could be easier to ask the rebbe for business advice than to ask him about spiritual matters because his answers about the latter might prove more personally challenging.

Be that as it may, ample sources support the idea that great rabbis do not speak with special authority about issues of science, medicine, business, and so forth. While some traditional sources suggest the opposite, I believe that authentic encounters with the great rabbis of our day bolster the position that limits their knowledge to Torah questions. They are great men who excel in Torah, but Torah knowledge does not grant them immediate erudition in all branches of human endeavor. As a result, it would be odd to turn to rabbinic authorities for guidance about investment banking maneuvers or treatment for a particular illness. In truth, the problem of limited knowledge also applies to other kinds of personal and communal issues.

In late nineteenth century Germany, the secession controversy broke out in the Orthodox community. For the first time, Orthodox Jewry had the opportunity to secede from the larger Jewish community and maintain an independent financial and political relationship with the German government. R. Shimshon Rafael Hirsch favored secession whereas R. Yitzhak Dov Bamberger opposed it. When the question reappeared in 1912, a German Jew wrote to R. Hayyim Ozer Grodzinski, the illustrious Rav of Vilna, for guidance. R. Hayyim Ozer responded with a very significant letter and it is worthwhile to cite an extended passage:

In truth, the foundation of a solution regarding this important question is, in my opinion, different from all rulings about *issur va-hetter* or questions of *agunot*, whose roots are clear in *shas* and *poskim*, and the respondent must focus on clarifying the *rishonim* and *aharoinim*, decide based on the canons of legal decision making, and find a solution to the complicated question. This is not the case regarding the solution to this question. Its unique foundation is based in a comprehensive understanding and a clear outlook, in order to recognize the correct way to make a fence and stand in the breach to strengthen religion. There is no doubt in my mind that the righteous rabbis, R. S. R. Hirsch and R. Y. D. Bamberger were not arguing about Jewish law. Rather, their world outlook was different, each one according to his holy way for the sake of heaven. This outlook is especially illuminated for a sage who knows the area, who lives in that location and community, and who knows the traits of the people of the community and their particulars, is attached to them in all the

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binds that tie, oversees their needs; he has the discerning eye to properly investigate religious questions, and he can see the impact for the next generation. Therefore, it would seem, they did not ask for a decision on this serious question from the great lights of the exile, the *geonim* R. M. L. Malbim, R. Yisrael Salanter, R. Y. L. Diskin, or R. Y. E. Spektor, may their memory be for a blessing, because this decision cannot be reached through Talmudic sources or the *posekim* but only based on quality reasoning and the correct and illuminating outlook. Those working from a distance cannot become involved and they did not find their outlook strong enough to make a determination. They relied on the rabbis who dwell in that place...¹³

Truly outstanding Eastern European rabbis cannot decide a matter of crucial import because only locals with an understanding of the communal dynamics are capable of making an appropriate decision. Here, a different kind of knowledge limitation prevents the expanded notion of rabbinic authority. While R. Hayyim Ozer does call for local rabbis to render a ruling, this source still works against contemporary applications of *Daas Torah*. Communal emphasis on *gedolim* often leads today's Jews to ask these kinds of questions to great rabbis from afar rather than local rabbinic voices. According to R. Hayyim Ozer's principle, this would frequently be the wrong move. Furthermore, there may not always be local rabbis who both know the scene and can apply their Torah expertise.

Let us explore one representative example. An Orthodox student leader at an American university struggles with the question of what kind of joint programming to do with Conservative and Reform groups on campus. Can they fight anti-Semitism together and can they co-run a symposium dedicated to the philosophy of prayer? Should he write a letter to a Rav who spent his whole life in Bnei Brak for guidance? How would a rabbi who knows nothing about Reform Judaism, Conservative Judaism, American campus life, the Western world's attitude to issues of pluralism and inclusivism, and the communal dynamics at the specific location possibly offer a helpful answer? Either a local rabbi, even of lesser stature, will have to render a decision, or the students themselves will have to arrive at a conclusion. After all, there may not be a good rabbi on campus to ask.

¹³ R. Chaim Ozer Grodzinski, *Abiezer: Kovets Iggerot Volume 1* (Bnei Brak: Netsah, 1970), 242-243. The translation is my own.

This test case also illustrates a cogent response to a potential defense of *Daas Torah*. A supporter of *Daas Torah* may admit to the limitations of rabbinic knowledge but still maintain that rabbis will make all communal decisions. Simply have a local expert relate all the relevant facts to the rabbinic giant and then that rabbi can make an informed decision based on Torah values. If so, this student should write a long letter to the Rav in Bnei Brak, who will then make the ruling. This defense of *Daas Torah* fails. Some cases, such as choosing a path of medical treatment, may have no Torah values component and no need to turn to a rabbi. Yet even in the university scenario where Torah values are quite pertinent, years of accumulated experience and insight cannot be transmitted in a long letter. Extensive education and sensitivity to nuance takes time to acquire; even a highly intelligent person cannot always read one letter and become an expert on a specific communal dynamic. Turning to an external authority is sometimes simply not an option.

The argument above should not be pushed too far. First of all, the question may be of such weight that no local personality, rabbi or layperson, feels competent to decide. We must balance the need for local knowledge with the desire to have great individuals responding to matters of ultimate import. Moreover, granted that the rabbi who never left Bnei Brak is unequipped to deal with a question from Brandeis University, a rabbi from the University of Pennsylvania may be quite well prepared. While each situation and every campus is unique, someone familiar with a roughly parallel scenario could serve as a voice of authority and advice. Finally, some situations call for a national communal policy decision transcending the specifics of each community.¹⁴ R. Joseph B. Soloveitchik's decision from the 1950s to avoid attending a shul with mixed pews even at the cost of relinquishing the mitsva of hearing the shofar serves as a good example. This ruling related to Orthodoxy's approach to Conservative Judaism on a large scale that went beyond the specifics of each individual situation. Of course, the Rav could offer his position since he was knowledgeable about the dynamics of mid-century American Jewish denominational life. Rabbis must exercise good judgment in determining which conflicts and conundrums they are qualified to address.

In an excellent article on the history of *Daas Torah*, Binyamin Brown shows how R. Elhanan Wasserman and R. Hayyim Ozer differed on this very point.¹⁵ When the *avoda ivrit* controversy raged in Israel during the

¹⁴ I thank David Shatz, whose comments inspired the inclusion of these three concerns.

¹⁵ Op cit. note 1, esp. 560-575.

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first half of the twentieth century, R. Elhanan Wasserman publicized his opinion from the European continent. R. Hayyim Ozer objected that the situation in the Palestinian yishuv does not resemble that of the Diaspora and that only local rabbis who understand all aspects of the situation can arrive at a good judgment.¹⁶ If R. Hayyim Ozer made the identical point regarding secession and Jewish labor, this was apparently his consistent position. Even rabbinic luminaries cannot make adequate decisions from afar lacking knowledge of communal dynamics.

The point applies to personal decisions as well. It has become somewhat popular for students to visit *gedolim* in order to discuss personal questions even when these students have never met that Rav before. We are not talking about questions such as how to make tea on Shabbat. Since such issues do not usually depend on the individual personality or the situation of the questioner, knowing the halakhic sources suffices to offer an answer. On the other hand, many questions, particularly *hashkafic* queries, have a personal component so that the one-size-fits-all answer does not work. A letter from R. Avraham Bloch of Telz illustrates this point. When the young R. Shimon Schwab questioned the place of secular studies in a traditional Jewish curriculum due to the gap he encountered between the norm in his birthplace of Germany and the attitude in the *yeshivot* of Eastern Europe, he wrote to several rabbis to hear their opinion. The responses of R. Elhanan Wasserman and R. Baruch Ber Lebowitz are well known and quite negative.¹⁷ R. Bloch penned a more complicated answer:

It is very difficult regarding these matters to give a definitive halakhic answer because these are matters of outlook and philosophy that connect to the aggadic portion (of Torah). They have the particular quality of aggadic matters as with regard to opinion and character traits, that even though they include several positive and negative commandments, nonetheless, one cannot offer absolute guidelines as with regard to halakha, that is, to give a ruling applicable to everybody, because they depend to a great degree on the human personality and his particular situation, and they also depend on the conditions of the time, the place, the circumstances, and the environment.¹⁸

¹⁶ *Abiezer: Kovets Iggerot Volume 1*, 299-301.

¹⁷ The full story appears in Jacob J. Schacter, "Torah U-Madda Revisited: The Editor's Introduction," *The Torah U-Madda Journal*, Volume 1, 1989.

¹⁸ R. Bloch's letter can be found in R. Avraham Bloch, *Shiurei Daat* (Jerusalem: Feldheim, 5770), 251-260. The translation is mine.

Imagine a student who asks if they should study philosophy or literature in college. There is no universal answer as to whether or not such a move will prove religiously positive. It depends on the nature of the student, the professors, the zeitgeist, the general cultural atmosphere at that university, and a host of other individuating factors. A rabbi uninformed about these factors cannot offer guidance, even if he knows *shas* extremely well.

This point has more bite now that many rabbis issuing pronouncements on communal matters are somewhat divorced from the community about which they speak. The shift in leadership from community rabbis to *Rashei Yeshiva*, the growing demarcation between different ideological communities, and haredi isolationism all lead to a situation in which rabbis are expected to state their opinion about communities for which they lack firsthand knowledge. R. Lichtenstein notes the problem:

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 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 invariably affected.¹⁹

Ironically, as the scope of rabbinic authority expands, rabbinic leadership is growing more distant from the community and less capable of comprehending communal needs.

THE PERSONAL QUALITY OF DECISION MAKING

Until now, we have discussed one objection to the doctrine of *Daas Torah*, that of limited rabbinic knowledge. Rabbis are frequently not experts in politics, science, and medicine; they do not automatically know each community's intricacies, and they are not authorities on every individual's particular situation. Yet our objections to *Daas Torah* are not solely a function of the need to have knowledgeable people offering answers but also because we value the autonomy of personal choice. We want people to feel drawn to a particular selection and that, by definition, cannot come from an external source, however wise it may be. To put it differently, we

¹⁹ Op. cit., 22.

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want not the most informed decision but the particular individual's decision. Do we find sources for this notion in our tradition?

In a famous responsum, R. Yosef Colon discusses what happens when parents object to their child's choice of spouse. He offers three arguments as to why the child need not listen to parental wishes, one of which is germane to our discussion. A child need not listen to a parent who demands that the child violate halakha by desecrating Shabbat or eating non-kosher food. In a roughly analogous fashion, a parent demanding that a child marry someone other than the person the child prefers constitutes asking that child to violate a Jewish norm. After all, *Hazal* cared deeply about the husband and wife loving each other. They demanded that a groom meet his bride before the wedding to insure that he will not ultimately despise her. A person forced to marry someone other than the life partner they desire may come to hate their spouse, something that flies in the face of Jewish ideals. *Kibbud av va-em* does not apply.²⁰ Without attributing a modern conception of romance to R. Colon, we still have him expressing a strong sense of marriage choice as the kind of thing that could only come from within. Only the person himself knows who he or she feels drawn to and no one else can supply that information. In the same way that this rules out parental interference, it also invalidates rabbinic influence. A rabbi cannot tell you whether or not you will love another person; only you can make that evaluation. Assuming we want a person to see their profession as a calling or to feel drawn to a given occupation, the same applies to choice of job. Only the individual himself can say whether they feel attracted to medicine, law, or education as a career.

The same idea impacts on certain religious choices. Note the following Talmudic tale:

But whose desire is for God's Torah" (Psalms 1:2). Rabbi said: "A man can learn [well] only that part of the Torah which is his heart's desire, for it is said, 'But whose desire is for God's Torah.'" Levi and R. Shimon the son of Rabbi, were once sitting before Rabbi and expounding a part of Scripture. When the book was concluded, Levi said: "Let Proverbs now be brought." R. Shimon the son of Rabbi, however, said: "Let Psalms be brought." They overruled Levi and brought Psalms. When they came to this verse, "But whose desire is for God's Torah," Rabbi offered his comment: "One can only learn well that part of the Torah which is his heart's desire." Levi remarked: "Rabbi, You have given me the right to rise." (*Avoda Zara* 19a)

²⁰ *She'elot u-Teshuvot Maharik*, no. 166.

According to Rabbi's explanation, the second verse in the book of Psalms conveys that Torah study works best when a student follows his or her inclination in learning and is motivated and excited by the subject matter. This *gemara* grants great weight to personal inclination. While we clearly must balance individual preference with the need for basic and broad Torah knowledge, this *gemara* instructs us to take student preference seriously. A later passage on the same Talmudic page says that the Torah first belongs to God, and then the person studying Torah takes ownership of it through the process of study. Maharal connects the idea of "*libbo chafets*" with the concept of making Torah one's own.²¹ If we value personalizing and internalizing Torah, then we should also enable a certain freedom of choice for those studying. Personalization does not work smoothly with a curriculum fully coerced from above; it depends upon finding one's own place in the world of Torah based on proclivity and free choice.²²

Not only does Torah subject matter depend on personal choice, so does the search for a *hashkafic* perspective. Students quest after *hashkafic* material that touches their souls and animates their spirit. No authority figure can tell a student what that material will be; the realization must come from within. R. Avraham Yitshak Hakohen Kook makes this point when defending Rambam's philosophy from the harsh evaluation of historian Zev Yavets. Yavets criticized Rambam for being excessively influenced by Greek thought. Among other defenses of Rambam, R. Kook writes that there are individuals drawn closer to faith and observance due to Rambam's mode of thought, while others are more connected to Torah via different approaches.²³ Interestingly, R. Kook does not discuss which approach is true. Apparently, multiple approaches found their place within traditional Judaism; each one remains legitimate, and it is up to the individual to decide which he identifies with.

Many issues in life including choice of spouse, profession, focus of learning, and religious philosophy depend to a great degree upon the inclination of the individual. Such decisions cannot emerge from an external authority even when that authority actually knows a tremendous amount about the person in question. Again, it is not about the most informed decision but about the personal quality of the choice.²⁴

²¹ Maharal, *Hiddushei Aggadot Avoda Zara* 19a, s.v. *lo*.

²² On the importance of personal inclination in selecting a Torah curriculum, see R. Avraham Yitshak ha-Kohen Kook, *Orot ha-Torah* 9:6 and 9:12.

²³ R. Avraham Yitshak Hakohen Kook, *Ma'amarei ha-Ra'ayah*, p. 105.

²⁴ For a powerful expression of the value of autonomous choice in a different context, see Judah L. Goldberg, "Towards a Jewish Bioethic: The Case of Truth Telling," *Tradition* 43:2 (Summer 2010), esp. 22-23.

R. HUTNER AND RABBINIC GUIDANCE

Both themes, the limitations of rabbinic knowledge and the personal nature of certain decisions, appear in the letters of R. Yitshak Hutner. This is particularly striking in light of certain authoritarian aspects of R. Hutner's personality. He was very exacting about *kevod ha-torah*, insisting that visitors walk out backwards so as not to turn their back to him when leaving his room.²⁵ Nevertheless, R. Hutner applied both our principles when giving rabbinic counsel. In one letter, R. Hutner writes that he cannot give advice since he does not know the details of the correspondent's daily life.²⁶ Another letter informs the recipient that he cannot offer counsel since he does not know the recipient. In a characteristic usage of parables, R. Hutner contrasts travel in a chariot, which paves the way for other vehicles, with a boat journey, which leaves no mark in the water for others. He states that the lives of today's youth are more like the boat in the water; one cannot extrapolate from the correct approach for one fellow to the right advice for another.²⁷ Lacking personal acquaintance with the student, rabbis frequently cannot provide help.

Two other letters highlight the personal quality of certain decisions. In one, R. Hutner writes that the correspondent's decision is one of the will and not of the intellect. He could give counsel regarding a question of logic but cannot do so in a case of will and desire. He tells his correspondent to "listen well to your inner will and follow its counsel."²⁸ Another letter writer was deciding whether to leave the land of Israel. R. Hutner asks the fellow to explore the nature of those connections drawing him back to America. He cites a *gemara* (*Yoma* 83a) which uses the verse "the heart knows its own bitterness" to teach that the sick person's opinion alone, even against the doctor's expert opinion, suffices to justify eating on Yom Kippur. In the same way, only the correspondent himself can measure the quality of his inner connections.²⁹

²⁵ Hillel Goldberg, "Rabbi Isaac Hutner: A Synoptic Interpretive Biography," *Tradition* 22:4 (Winter 1987), esp. 28-31.

²⁶ R. Yitshak Hutner, *Pahad Yitshak Iggerot u-Ketavim* (New York: Gur Aryeh, 1998), 320.

²⁷ *Pahad Yitshak Iggerot u-Ketavim*, 190.

²⁸ *Pahad Yitshak Iggerot u-Ketavim*, 225-226.

²⁹ *Pahad Yitshak Iggerot u-Ketavim*, 212.

POTENTIAL MODELS FOR RABBINIC LEADERSHIP

We now seem caught in a conundrum. On the one hand, we assert that Jewish ideals should influence choice of spouse, choice of career, and decisions about politics. This should lead to an influential role for rabbis, those most knowledgeable regarding Jewish values, in contexts beyond strict halakha. On the other, we find reasons to limit rabbinic influence regarding these matters. Navigating these tensions depends on developing fresh models, particularly one expressed by R. Soloveitchik:

Apparently, there is a subjective element in making moral decisions. If one is confused, he can ask for guidance and counsel. Many times, I have been presented with such moral questions. I never give a yes or no answer. The questions may determine the future of a particular individual. I will explain the options but tell him that the final choice is his. These are occasionally the most important of problems. Many times when my own students ask me such questions, I explain to them what is involved. They have to understand the alternatives. I resent very much when certain roshai yeshiva and certain teachers want to impose their will upon the boys. It is against the law. Both ways are correct, the options are correct, and it is up to the individual to make the decision.³⁰

Presumably, the difficult moral questions alluded to by the Rav are not things such as should I shoplift or cheat on my taxes, queries with unambiguous answers. Perhaps he refers to questions such as “should I realize my dream of making *aliyya* or stay behind to care for aging parents?” These questions have no definite correct answer and only the individual himself can decide. Yet R. Soloveitchik does not say that the rabbi cannot help at all; the rabbi can “explain to them what is involved.” When confronted with a decision that depends on personal inclination and will, an advisor can still help frame the alternatives and explain the Jewish ideals relevant to such decision making. Selecting a profession is a prime example. Instead of a rabbi telling the congregant which profession to go into, he outlines the religious benefits and challenges of each profession. He might tell someone considering medicine about all the kindness a doctor can perform and also about the potential danger of the medical man’s arrogantly playing God. This model enables application of Torah ideals to each situation while still allowing for the autonomy for personal choices.

³⁰ Aharon Rakeffet-Rothkof, *The Rav: The World of Rabbi Joseph B. Soloveitchik Volume 2* (New Jersey: Ktav, 1997), 237.

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To be sure, scenarios exist in which a rabbinic mentor will justifiably guide in a more definitive fashion. In some extreme examples, the obvious disastrous quality of the professional or personal choice provides good reason for a rabbinic veto. If someone with limited learning ability aspires to become a Rosh Yeshiva or a nineteen year old wants to marry a forty year old, we could see a rabbi not just framing the issues but explicitly rejecting a particular choice. At the same time, extreme examples are exceptions that prove the rule. Furthermore, the force and validity of the rabbi's objections in these cases does not clearly stem from rabbinic authority; indeed, a trusted friend or colleague might advance similar objections. Having admitted exceptions, we still adhere to the basic point that the rabbinate should incline towards the "framing the issues" model when it comes to personal decisions.³¹

At times, this model actually increases rabbinic influence. When I was finishing high school in a haredi yeshiva, my *havruta* was trying to decide whether to go learn in Israel or stay in the New York yeshiva the following year. He told me that he could not ask the Rosh Yeshiva because then he would have to do what the Rosh Yeshiva said. My friend's conception included only one model, that of *pesak*, and he did want to relinquish the decision to an authority figure. The "framing the issues" model enables a good discussion with a trusted rabbinic advisor without surrendering personal choice. Perhaps the Rosh Yeshiva has some insightful advice to offer but the exclusivity of the *pesak* model prevented my friend from hearing it.

In the model presented above, the Rav provides an analytical framework but does not take a specific position. Alternatively, the Rav may forthrightly say what he thinks but present it as suggested advice rather than as an authoritative ruling. This would enable rabbis to influence communal and personal decisions while still leaving room for the autonomy of individuals and communities. One advantage of this alternative is that the Rav may feel very strongly about a decision he thinks hinges upon important Torah values and can express an explicit position. At the same time, he understands that this type of issue does not call for definitive *pesak* and that sincere people in the community may reasonably disagree. R. Aharon Lichtenstein describes this paradigm:

Consequently, it is both a *rav's* prerogative and his responsibility to exercise moral and religious authority in relating to issues of communal governance and policy. On many questions, the community may not be halakhically compelled to accept his judgments. It is however, bound to give them a

³¹ I thank David Shatz whose comments motivated this paragraph.

serious hearing.... To some, this lending of ears to spiritual counsel does not constitute the granting of authority at all, and is, consequently, irrelevant to our discussion. I think it is quite relevant, but I have no interest in logomachy.... What is clear is the fact that if a rabbi is worth his salt, counsel is a highly effective means of having an impact upon communal affairs; and one need not fully subscribe to Chief Rabbi Jacobowitz's dictum concerning the tradeoff between power and influence to affirm this truth.³²

In a different essay, R. Lichtenstein offers a fresh model for rabbinic influence that moves beyond the question of dictating decisions, offering suggestions, or framing issues. The impact of excellent leadership extends further than explicit messages.

A person, and not only the ordinary layman, needs a *gavra rabba* to serve, in part, as a role – model and, in part, as a realization of what Whitehead called “the vision of greatness” – to lift one’s sights and aspirations, extending the bounds of what he strives to achieve, and suffusing him with appreciation and admiration for what he senses he cannot achieve; to guide on one hand, and inhibit on the other.³³

In this model, influence and support do not depend upon a conversation about the personal choice with a rabbinic mentor. Rather, someone struggling with a decision might think about how his teacher would act. Unfortunately, not every knowledgeable rabbinic voice exemplifies the excellence of character enabling them to serve as such role models. Experience teaches us that Torah erudition and ethical sensitivity do not always go together. At the same time, we do thankfully encounter rabbinic personalities who combine knowledge and moral excellence. Furthermore, we perceive how their Torah scholarship helps inform and energize their moral personalities. Those fortunate to meet such luminaries can use them as inspiration guiding their own life choices even as such choices remain autonomous.

DO *GEDOLIM* TRULY DECIDE?

I would like now to broaden the conversation to other issues relating to our communal conversations about *gedolim* and rabbinic leadership.

³² Aharon Lichtenstein, “Communal Governance, Lay and Rabbinic: An Overview,” *Rabbinic and Lay Communal Authority*, ed. Suzanne Last Stone (New York: YU Press, 2006), 47-48. The entire article is germane to our topic.

³³ Lichtenstein “Legitimization of Modernity,” 23.

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Some of the issues we will raise are specific to the role of *gedolim* in our community while others relate to the wider context of all rabbinic figures. Beyond the two timeless concerns raised above, there are other problems associated more specifically with *Daas Torah* in its current form. Whether *Daas Torah* invariably leads in these directions or whether it is just the modern manifestation that does so I leave as an open question. Even if we assume that rabbis are best equipped to make communal decisions, there are causes for concern with granting them immense communal authority. For one, are the rabbis actually the ones making the decisions? Those that run rabbinic courts or offices and control the flow of information to great rabbis may sometimes be the ones truly guiding the process. This point is more pronounced due to the age of many rabbinic leaders. When R. Elyahsiv was sick, the Israeli press discussed four possible successors, the youngest of whom was already in his eighties. Most people, including the great, start to decline in their ninth decade and invariably become more reliant on their handlers. Making *gadol* status dependent on a longevity contest creates two problems. First, there is no reason to assume that those most qualified for leadership will live the longest. Second, restricting influence to those of highly advanced ages means that people enter positions of power just as they become less equipped to wield it.³⁴

QUALIFICATIONS FOR LEADERSHIP

In addition to concerns about age, we should also be wary of identifying leadership with the most knowledgeable scholars. There are different types of insight and intelligence and those rabbis best at citing obscure *aharonim* may not be the best at analyzing communal needs or serving as Orthodox spokesmen to the broader world. Over the last thirty years, a few extremely erudite rabbinic scholars regularly made public statements of a coarse or insulting quality that served no positive purpose and only made the Orthodox rabbinate look insensitive and simplistic. One can justifiably conclude that their impressive storehouse of Torah information does not qualify them to issue statements and rulings regarding public policy. Rabbis who will guide us in communal matters need to exhibit sensitivity and subtlety in addition to amassing Torah knowledge.

³⁴ Obviously, there is something to be said for the wisdom of experience. Nonetheless, the problems of deteriorating health cannot be ignored.

MONOLITHIC THOUGHT

Beyond the question of a qualified and physically robust leadership, current discourse about *Daas Torah* encourages monolithic portrayals of Orthodox thought. The desire to promote a strong power structure and authoritative answers goes together with a denial of the diversity within our tradition. *Daas Torah* reflects the definitive and sole position on various contentious questions; those who disagree are either excluded from the pantheon of rabbinic greatness or somewhat distorted to fit the going standard. Some depict Rav Hirsch as supporting secular studies as an emergency measure, though his writing clarifies a much more enthusiastic endorsement. English translations of Rav Zevin's works alter his reaction to the restoration of Jewish sovereignty in the modern state of Israel.³⁵ Rav Natan Kamenetsky's book is banned for revealing the humanity of great rabbis even though such an approach has firm roots in *Tanakh* and *Hazal*. Natan Slifkin's books are banned for taking the position that *Hazal* have no special expertise in the scientific realm even though he ably marshals writings by many rabbinic greats in support of his views. This mode of functioning hurts our community in multiple ways. It promotes intellectual dishonesty regarding aspects of our tradition. It denies the legitimacy of appropriate positions. Finally, it prevents the back and forth argument needed for people to grasp the strengths and weaknesses of various possibilities. Thus, a monolithic depiction of Jewish thought precludes depth of understanding as well as nuance or complexity.

CHANGING CIRCUMSTANCES

In addition, shifting the focus to the authority figure's pronouncement per se and away from rationales and reasoning hinders our ability to analyze novel situations and changing circumstances. We automatically apply rabbinic positions to vastly different circumstances. Those in favor of kollel learning as a means of recreating Torah learning after the Holocaust might think differently about a large segment of society exempting itself from professional and security responsibilities in order to continue learning. Vociferously avoiding even the appearance of granting any legitimacy to Conservative Judaism makes more sense when that movement threatens Orthodoxy than when it is dying. Now, this type of argument must

³⁵ See Terry Novetsky's letter in the Communications section of *Tradition* 23:1 (Summer 1987).

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be used with great caution lest we constantly neutralize the words of rabbinic leaders based on the all too easy claim of changing circumstances. That being said, some scenarios require such examination. At the very least, we need a mode of analysis that tackles the issues and the reasoning *per se* and does not only cite *ex cathedra* rulings of authority figures.³⁶

BALANCING IDEALS

Another problem relates to the balance between honoring rabbinic leaders and other Torah values, and this on several levels. The danger exists of reducing all Torah ideals to the solitary value of adherence to the *gedolim*. Note the following critique of Meir Kahane's ideology that was published in the aftermath of Baruch Goldstein.

If he ever accepted the authority of universally recognized halachic authorities like Rabbis Joseph B. Solovetichik, Moshe Feinstein, or Yosef S. Eliashiv, it was a well-kept secret. What is well known is that no universally recognized halachik authority approved of his methods or program. Learned though Rabbi Kahane was, he was not, and he knew he was not, learned enough to make decisions on matters of life and death, indeed, on matters of murder. Yet he made them. Gone from his lexicon and activity was obeisance to an appropriately high-level halachic, Orthodox authority-structure. He arrogated to himself the decision-making right reserved to our sages.³⁷

This critique has cogency but it also focuses exclusively on Kahane not deferring to *gedolim* while ignoring other problems with Kahanist thought. The author could also object to the glorification of violence or the demonization of Arabs and liberal Jews without referring to questions of rabbinic authority. Here, emphasis on authority crowds out the expression of other ideals. Imagine catching someone engaged in an act of vandalism and rebuking them by saying: "Did you ask a *she'eila* of a *gadol* before destroying your neighbor's property?" This would miss the essential point.

Overdoing respect for *gedolim* can also occur regarding the clash of competing values. Our community has struggled to address the problem

³⁶ See the relevant comments of David Berger in the Communications section of *Tradition* 27:2 (Winter 1993), 92-94.

³⁷ Hillel Goldberg, "Orthodox Soul Searching After Goldstein," *The Jewish Action Reader* (New York, 1996), 96-97.

of clergy sexual abuse and the rabbinate has sometimes floundered in this endeavor. Some are overly cautious about the problem of *mesira*. In other situations, rabbis successfully removed the predator from his job but their decision not to go public with the accusations enabled the predator to repeat his crime in a new location. In one case, multiple victims accused the close relative of a prominent rabbi of sexual abuse but rabbinic leadership kept the case quiet. It may be that concern about the honor of the rabbinate became a stronger motivation than concern for saving potential victims. If so, this illustrates how even good values can be pushed too far to the point where they inappropriately trump other crucial ideals.

The clash of values emerges in another context as well. Significant rabbis usually speak and act in exemplary fashion but occasionally do not. How do we expect the community to react in those later scenarios? We should give rabbis the benefit of the doubt, but some cases leave little room for doubt. One hasidic rebbe was found guilty of embezzlement, one noteworthy rabbi declared that there is no inherent problem in theft from gentiles, an Israeli *gedol*'s biography says that he was so preoccupied with Torah study that he never spoke to his children, another Israeli rabbi of stature was found guilty of sexually abusing students. Now, not all of the examples merit identical treatment. We may doubt the veracity of certain reports. In some situations, we may view a given rabbi as having one significant flaw even as he remains great. Finally, there are statements or crimes so egregious that we will have to withhold leadership status from the perpetrators. I posit that we do not want the rank and file of the community to feel unqualified to ever negatively evaluate rabbis who make outrageous statements or engage in immoral behavior. Without suggesting that the average Jew frequently reprimand the rabbinate, there are circumstances which call for just that. What would have been the appropriate reaction of a carpenter or farmer living at the time of the David and Batsheba episode? Would we want him to criticize King David or would we prefer him saying: "Who am I to pass judgment on the *gedolim*?"

CHECKS AND BALANCES

The previous points highlight the need for some checks and balances in any authority structure. Yes, we believe in authority and the opinion of great rabbis should carry significant communal weight. Of course, the community must sometimes adhere to the voice of those in authority when they do not agree. Nonetheless, given both the potential corrupting influence of unchecked power and the limitations of every individual's

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perspective, we should promote a communal discourse which encourages more debate and diversity of opinion. As Marc Stern notes, laypeople have been quicker than rabbinic leadership to realize the need for new approaches to the problems of child abuse and genetic testing.³⁸ Exaggerated claims for rabbinic authority should not stifle critical voices regarding such matters.

CONCLUSION

In sum, in addition to the problems of limited rabbinic knowledge and the value of autonomous choices, the current usage of *Daas Torah* raises questions about the ability of our community to embrace some degree of debate and complexity, the qualifications of those being granted great communal influence, and the balance between rabbinic authority and other values. Of course, none of this means we should throw out the baby with the bathwater. While right wing elements of Orthodoxy have overemphasized rabbinic authority, more liberal segments are often too quick to try to do away with it altogether. Most institutions depend upon some kind of authority and the guidance of the truly outstanding provides great individual and communal support. We should remain wary of a modern cynicism that insists on cutting every hero down to size and refuses to acknowledge authentic greatness. Though greatness is not frequently found, it does exist and those of us fortunate enough to encounter it should take advantage of the opportunity. We need to carve out a role for rabbinic leadership that allows them to offer Torah guidance on many issues without negating the value of autonomy or failing to notice the limitations of humanity, both of the mediocre and of the great.

A more nuanced approach to rabbinic authority may strike some traditional Jews as dangerous given the modern world's general negativity towards authority and its cynicism about leadership. From their perspective, we must fight any move that diminishes rabbinic power. I hope this essay indicates why a more robust and sweeping granting of power to rabbinic leadership will bring many pitfalls. Perhaps the lesser authority granted to rabbis in the model presented above will actually help the rabbinic authority. A more restrained model of rabbinic authority can generate a scenario in which rabbis wield less power but have more influence.

³⁸ Marc Stern, "On Constructively Harnessing Tensions Between Laity and Clergy," *Rabbinic and Lay Communal Authority* ed. Suzanne Last Stone (New York: YU Press, 2006), 132.