

COMMUNICATIONS

TO THE EDITOR OF TRADITION

In reference to the article written by Prof. Lawrence Kaplan, wherein he gives a critical analysis of a discourse written by Rabbi Yitzchok Hutner of blessed memory, I would like to offer some comments. In doing so, some of the remarks may be favorable to Prof. Kaplan but others will show that Prof. Kaplan was wrong for his unwarranted attack on Daas Torah.

Agudas Israel was founded on the premise to be governed by Daas Torah, namely Moatzei Gedolei Hatorah. To its credit, it has faithfully adhered to this premise and consequently when a halachic question arose whether the Agudas Israel should participate or refrain from joining the Israeli government, the decision was made by Moatzei Gedolei Hatorah.

This complying with Daas Torah is one of the basic axioms of Judaism. Every organized community in pre-war Europe, as small as it may have been, elected a Rabbi and it was his decisions that governed the community. Every G-d fearing Jew sought the Rabbi to solve his halachik problems. It is recorded that even in the most tragic of times, a problem arose in the Kovno ghetto whether to accept the offer of the German regime to hand over a number of Jewish men to their ultimate deaths and thereby saving the entire community. The cry went out that the Kovner Rav, Rabbi Shapiro, of blessed memory must decide, for such a decision can only be made on the basis of halacha.

However, one must truly understand what is meant by adhering to Daas Torah. When Daas Torah decides by halacha in answer to a pressing problem, it is accomplished by delving

deeply into our Shulchan Aruch and Responsa and thus resolving a question of law.

It is undeniable that when a Rosh Yeshiva delivers a Shiur based on his logic and reasoning, it is obviously not wrong to question the logic or ask questions concerning the basic foundation of the Shiur. Great Roshei Yeshiva of the past have even encouraged their students to question. Does this constitute violating the concept of Daas Torah? When one attempts to answer a question of Rabbi Akiva Eiger can one classify this as not accepting Daas Torah?

Based on this premise, when a Rosh Yeshiva writes an article, using his logic and reasoning to interpret historical facts thereby attempting to understand how and why the holocaust occurred, must one accept this as Daas Torah, as Psak Halacha? This is especially true when most of our Gedolim feel that such a horrendous episode of history cannot be fathomed by a mere mortal.

Isn't one justified to classify the type of reasoning written by Rabbi Hunter as being no different than the logic of a svoro in the Shiur of a Rosh Yeshiva.

To classify an article by a Rosh Yeshiva as being Daas Torah, in my view distorts the basic comprehension of Daas Torah. We have been constantly taught in our yeshiva days that we must always reach out to our Roshei Yeshiva and Rabbeim for guidance in halacha and mussar and then mold our lives in accordance with these teachings. This constitutes complying with Daas Torah.

TO THE EDITOR OF TRADITION:

Professor Lawrence Kaplan's criticisms (*Tradition*, Fall, 1980) of the late Rabbi Yitsohak Hutner's views on the holocaust and Zionism, and the traditional yeshiva world's views on "*daat Torah*," particularly as articulated by Agudath Israel, require responses seriatim.

First on a personal level—introduced in the article by Kaplan—the professor, now of McGill University in Canada, writes of the "hostility" of Rabbi Hutner and the yeshiva world, to Zionism. Actually, Rabbi Hutner climaxed his commitment to Zionism's principal *religious* justification, by settling in Israel and founding a yeshiva there.

More significantly, even as far back as in the early years of this century, the second purpose of the Agudah, which was already identified with settlements in Palestine, was presented, in Europe, as the "Furtherance of Torah educational institutions, especially in the Holy Land . . ." and the Zionist chief rabbi praised Agudist educational efforts there. The Agudah has now been part of Israel's ruling coalition (bereft of the "Zionist" founding parties) for the past two administrations.

Rabbi Hutner had discussed two "new" directions in gentile persecutions of Jews. One was the shift from eras of expected persecution, to eras of unanticipated persecution following promises of equal rights and benevolence. Kaplan unjustifiedly calls Rabbi Hutner "seriously misleading" for only referring to events in the 1920's and '30's when giving examples of "promises rescinded, rights revoked and anticipations aborted." Kaplan says that the first such reversal occurred four decades earlier, in Russia, Jewish history, however, has reverberated for millenia with pendulums swinging between anti-Semitism and philo-Semitism. What stood out in the '20's

and '30's was that one of the most "enlightened" countries could stoop to such moral depths in the institutionalized name of ultimate modernity.

Kaplan attempts to repudiate all six points by which he breaks down Rabbi Hutner's discussion of the second new direction—the collaboration of the Muslim nations of the East with the Christian nations of the West. All six of Kaplan's analyses unwittingly raise internal problems of their own.

Regarding the first point, Kaplan presumptuously states that "Rabbi Hutner obviously forgot about the Damascus affair of 1840." What *Kaplan* forgot, however, was that the reference on the previous page of his own article was to two *cultures* collaborating to destroy a third, whereas Kaplan's example was of a relatively local blood libel of a type all too common in Jewish history.

Kaplan denigrates the second point by calling the Mufti's influence on the Nazis minimal. However, even accepting a narrow interpretation of "the Mufti" as an individual rather than a representative of the Arab people, even Kaplan had to concede that the Mufti's biographer told of "abundant first-hand evidence on the part the Mufti played in making foolproof the ban on emigration' of an admittedly (by Kaplan) non-negligible number of European Jews to Palestine, The Mufti thus helped to render the German attempted annihilation of the Jews more complete than it might otherwise have been. (The Jews could have of course been sent elsewhere, but now we know how limited their options were.)

Kaplan disputes the third point by saying that even before the pressure for a Zionist state had intensified, the Mufti was an enemy of the Jews—"from the start." Kaplan, however, presented no such evidence, and even, to his credit, presented some evidence to the contrary. He failed to show "anti-

Semitism” on the Mufti’s part before the Balfour Declaration, in 1917, and before the Mufti was appointed to his religious and secular positions of leadership. Rather, indications of pattern of hate to which Kaplan could point didn’t occur until 1921, and the next occasion to which Kaplan pointed occurred no fewer than eight years later (not that there weren’t others in between).

Regarding the fourth point, Kaplan says Moses’ negotiations with Pharaoh made further “proof” unnecessary that when confronted with resistance, oppressors will intensify their oppression. The negotiations prove nothing of the sort, particularly since toward the end, according to the Bible, Pharaoh would have capitulated were it not for Divine intervention. Even had Kaplan not known or accepted this, the Pharaonic confrontations could at most only show the reaction of a single ancient oppressor.

The fifth point is that the extent of the Mufti’s relationship with the Fuhrer has been suppressed. Here Kaplan suddenly sees fit to highlight it—when it suits him (On page 240, the Mufti’s role was “minimal”).

The sixth point is that decisions made by some of Israel’s founders indirectly cost additional Jewish lives. True the founders could not have predicted the Mufti’s reactions to the “T,” but Kaplan’s use of the Mosaic episode above would support Rabbi Hunter’s view that the *nationalist* Zionists would naturally tend to stiffen any Arab nationalist’s neck and push

him toward the German camp, even without considering “anti-Semitism.

Most importantly, Kaplan misrepresents the purpose of formulating a *daat Torah* to be supposedly to suppress intellectual freedom by letting even one person dictate a *pesak*, for the world to follow, “brooking no dissent.” No responsible Orthodox spokesperson will dispute the traditional view that *shiveem paneem laTorah*. The Agudah guides itself by the *consensus* reached by the *Moetzet Gedolai HaTorah*, which consists of the leaders of a wide range of distinguished schools of thought, who issue decisions only after debate following presentations by counsel who articulate all sides and perspectives of issues. Only questions that involve the Jewish people as a whole—with broad political and social ramifications—lend themselves to a united *daat Torah* stand, voluntarily accepted by the heterogeneous traditional community. Pure *halakhic* questions, however, call for decisions by the *morah d’atrah*, local community rabbis, influenced by a wide range of traditions and customs.

May Kaplan and others who write comparably, henceforth self-monitor more carefully their personal and intellectual broadsides aimed even at lesser people than one they themselves consider “perhaps the leading thinker in the traditional yeshiva world” (p.235) “whose profound Torah scholarship all acknowledge” (p.245).

(Rabbi) Aaron I. Reichel, Esq.
New York City

LAWRENCE KAPLAN REPLIES:

My respondents have, quite properly, focussed on two different areas of my essay: the historical and the ideological. Rabbi Reichel takes issue with my critique of the historical presentation of the late Rav Hutner ZT"l, while both he and Rabbi Ishee take issue with my critique of *Daat Torah*.

Let me turn first to Rabbi Reichel's—rather strained and tenuous—historical arguments.

I stated that Rabbi Hutner and the yeshivah world and Agudat Israel which he represented were hostile to Zionism. Rabbi Reichel replies that Rabbi Hutner settled in Israel and founded a yeshivah there, while I live in Canada and teach at McGill, that the Agudah has established a network of Torah educational institutions in Israel and, finally, that the Agudah is now a member of the Israeli government. As for the last point, I specifically raised it and pointed out that a pragmatic accommodation with a reality does not mean approval of that reality. As for the first two points, certainly anyone who lived or lives in Israel, be it Rabbi Hutner, Rabbi Kook, ZT"l or (may they be distinguished for a long life) Rabbi Goren, Rabbi Uri Blau, Rabbi Moshe Hirsch, etc., fulfilled for fulfills a central commandment that anyone who did not or does not fulfill. But will Rabbi Reichel claim that the fact that Rabbis Uri Blau and Moshe Hirsch the heads of Neturei Kartah live in Jerusalem and have established a yeshivah there means they are not hostile to Zionism in general and religious Zionism in particular? To be a religious Zionist means at the very least to see a positive religious significance in the founding and continued existence of the State of Israel. Living in the land of Israel and establishing yeshivot there, *by themselves*, however great mitzvot they may be, and they are great mitzvot, are beside the point.

Moreover, Rabbi Reichel seems to see in my comment on the Agudah's hostility to Zionism some sort of charge or accusation and rushes to the defence. My comment was no such thing however, but simply a plain description of attitudes openly and clearly expressed. If one will but read, for example, the addresses of Rabbis Schach, Elberg, etc. at the recent *Kenessiah Gedolah* of the Agudah, one will find in them the Agudah's hostility to Zionism very forthrightly, sharply and candidly articulated. The editor of Agudah's newspaper put it very well in explaining why the Kenessiah did not invite the President of the State of Israel to deliver greetings at the opening session. "The Agudah," he wrote, "possesses the crown of Torah and has no need for the crown of the state." So, what else is new?

I argued that the first major era to which Rabbi Hutner's description of modern anti-semitism applies, the first time "promises of equality were made and then broken, rights were granted and then revoked, benevolence was anticipated only to be crushed by cruel malevolence, resulting in the repudiation of trust in the Gentile world" was not the period of the 1920's and 1930's but the period of the 1880's and 1890's, with the pogroms in Russia, the rise of modern political anti-semitism and anti-semitic parties in Germany and Austria, and the Dreyfus affair in France, and I pointed out that the primary expression of the resulting "repudiation of trust in the Gentile world" was modern, secular, political Zionism. Rabbi Reichel replies that this period is simply one example of the pendulum swing between philo-semitism and anti-semitism. Note that I spoke of anti-semitic incidents and movements in Russia, Austria, Germany and France, while R. Reichel, in reproducing my argument, speaks only of Russia. But can one see the 1880's and 1890's as only one more swing of the pendulum?

Certainly not someone familiar with modern European and modern Jewish history! This period was the first era in the modern age in which the ideal of emancipation received an entire series of major and profound setbacks. Moreover, it saw the rise of essentially new, distinctly modern forms of anti-semitism, i.e. government sponsored pogroms (in Russia) and political anti-semitism (in Germany and Austria). And if, as Rabbi Reichel stated, what stood out in the 1920's and 1930's was that one of the most "enlightened" countries could stoop to such moral depths, then, certainly, a similar factor was at work in the shocked reaction of Jews and others to the Dreyfus affair in France. In a word, the events of the 1880's and 1890's drove many liberal Jews to the—alas, only too correct—conclusion that there was no secure place for the Jews in Europe and that the only solution for the "Jewish problem" was a Zionistic one.

Reichel argues that the Damascus affair of 1840 was "a relatively local blood libel of a type all too common in Jewish history." Once again Reichel unwittingly reveals his weak grasp of modern European and Jewish history. The Damascus affair, as I clearly indicated, and as all standard texts and accounts show, had major international repercussions precisely because of the participation of an official representative of "enlightened France" in the libel. Indeed, Heinrich Graetz considered the unified Jewish reaction to the Damascus affair to be a major turning point in modern Jewish history and urged that that reaction be annually commemorated in the synagogue. This might appear to be an hyperbolic evaluation, typical of Graetz, but a similar view as to the significance of the reaction has also been expressed by the noted contemporary Jewish historian, Shmuel Ettinger (minus the call for synagogue commemoration). Ironically enough the one Jewish contemporary

who, like Rabbi Reichel, minimized the significance of the Damascus affair, treating it as a local matter, was Abraham Geiger! In all fairness to Geiger it should be pointed out that he lacked the benefit of historical hindsight. Rabbi Reichel states that the Damascus affair was not the product of two *cultures* collaborating to destroy a third. And the holocaust was?! Even if one grants all of Rabbi Hutner's points about the Mufti's influence—and I grant none of them—that still doesn't make the holocaust a murderous collaborative venture of two cultures. Rather, as all scholars who have studied the social, political, cultural, ideological and psychopathic roots of the holocaust have shown, the holocaust was first and foremost a profoundly European and profoundly German phenomenon.

Rabbi Reichel claims that I stated that "the Mufti's influence on the Nazis was minimal." I stated no such thing. In response to R. Hutner's argument that the Mufti played a significant role in influencing the Nazi decision to annihilate all European Jews, I sought to demonstrate, I believe successfully, that the "role of the Mufti *with regard to the Nazi decision to annihilate the Jews* was minimal." (I notice that Rabbi Reichel tacitly concedes this point.) I did point out that the Mufti did play a part in "making foolproof" the ban on emigration. This was not a concession on my part since this was not the point at issue. Moreover, I raised this point to note "that it is with regard to the cancellation of these highly limited, tentative emigration plans and *not*, as Rabbi Hutner mistakenly asserts, with regard 'to the entire extermination plan', that Eichmann ascribed responsibility to the Mufti when he said: 'I am a personal friend of the Grand Mufti. We have promised that no European Jew would enter Palestine anymore'."

As for the Mufti's role, I neither highlighted it nor minimized it. Rather, I argued that the Mufti's role, vis-a-vis

the Nazis, was limited and that that limited role has not been suppressed but has been duly reported in the historical works of various Zionist writers (see e.g. Gideon Hausner, *Justice in Jerusalem*, and Moshe Pearlman, *The Capture and Trial of Eichmann*).

I now turn to the objections to the second, and ultimately more significant, issue of my essay: the question of *Daat Torah*. Let me say that I fully share the concerns of Rabbis Isbee and Richel for upholding legitimate rabbinic authority. I do not believe, however, that anything in my article undermined that authority. Now Rabbi Isbee identifies *Daat Torah* with halakhic *pesak*. Other critics, in private correspondence, identified it with the Talmid-Rebbe relationship. Certainly I recognize the authority of halakhic *pesak* and the uniqueness and importance of the Talmid-Rebbe relationship. However, the current ideology of *Daat Torah*, which attributes to *gedolei yisrael* “a special endowment or capacity to penetrate objective reality, recognize the facts as they really are and apply that pertinent halakhic principles,” which maintains that this endowment “is a form of *Ruah Hakodesh*, as it were, bordering, if only remotely, on the periphery of prophecy” and which draws from this the conclusion that *Gedolei Yisrael* inherently ought to be the final and sole arbiters of all aspects of Jewish communal policy and questions of *hashkafah*, is a very different matter indeed.

What is going on here? It is this. The proponents of the ideology of *Daat Torah*, in actuality, use that ideology to underwrite the most extravagant claims for their group of *gedolim*, but when that ideology is challenged (incidentally not only from the “left”, but also from the “right”) they retreat and state “Why *Daat Torah* is only . . . only another name for halakhic *pesak*, only another name for the Talmid-Rebbe relationship, only another name for the

voluntary acceptance by the heterogenous traditional community of the consensus of the *Mo’etzes Gedolei Ha-Torah* on questions that involve the Jewish community as a whole, etc. etc.” But is it any of these? In my essay I endeavoured to differentiate sharply between *Daat Torah* and halakhic *pesak*. My argument may be challenged but Rabbi Isbee rather than challenging it simply ignores it. As for the claim that *Daat Torah* is identical with the Talmid-Rebbe relationship, the Talmid-Rebbe relationship is a private one, while *Daat Torah* attributes to the *Gedolim* charismatic authority to impose policy on the entire community. As for R. Reichel’s claim, which, on this issue, is more on target than the other interpretations: first the *Moetzes Gedolei Ha-Torah* by no means represents the full spectrum of orthodox Jewish thought; second, there are large segments of the “heterogeneous traditional community” which, for good reason, are at odds with the *Agudah* and the Yeshivah world; third, voluntary acceptance is one thing and inherent charismatic authority something else. If the *Agudah* wishes to accept voluntarily the authority of the *Moetzes Gedolei Ha-Torah* on matters of communal policy I have no objection. If R. Hutner’s students wish to accept the views of their late Rebbe, I, again, have no objection. (I do believe, however, that a talmid can maintain the full measure of respect and awe for his Rebbe without necessarily accepting all his views on matters of *hashkafah*, historical interpretation or communal policy). But let us not pretend that the issue of *Daat Torah* can be reduced to these dimensions.

A particularly good example of how the ideology of *Daat Torah* actually works, as opposed to my critics’ view as to how it supposedly works, can be found in the recent controversy regarding the remarks of Rabbi Schach concerning the *Hok H-Golan*. R.

Schach, in an address before the *Va'ad Ha-Poal Ha-'Olam* of Agudah, sharply criticized the law, as indeed did many other public figures in Israel. He went on, however, to declare that the foreign policy of the State of Israel ought to be conducted according to "the Torah approach in international affairs" as it had prevailed "throughout the *golus*", viz. "As nation after nation threatens to engulf us and destroy us we avoid confrontation and bow our heads in apparent submission." He, thus commended as a model to the State of Israel, "The Jew who . . . ostensibly dance[d] "*Ma Yofis*" to the tune of the landed nobleman (the *Poritz*). "Specifically he urged the State of Israel not to utter any statement or undertake any policy that could be construed as being "antagonistic to America."

These remarks of R. Schach, in which he, in effect, denied that the establishment of the State of Israel had changed *anything at all* in the way Jews as a people ought to conduct their affairs politically, are naturally highly controversial—and even those who might agree with R. Schach's specific contention that the *Hok Ha-Golan* was unnecessary, unwise and imprudent might, at the same time, take exception to R. Schach's general outlook. (I leave to the side R. Schach's portrayal of the present spiritual condition in the land of Israel where he declared that only those who are educated in *Chinuch Atzmai* schools are "receiving a Torah upbringing"). Not surprisingly, then, R. Schach's remarks evoked strong criticism, both in the Israeli and American religious press. In response, the Agudah and the Yeshiva World, both in Israel and the U.S., rallied to R. Schach's defense, held mass assemblies, and acclaimed R. Schach's remarks as an unequivocal pronouncement of *Daat Torah*, of "pure" *Daat Torah* (*Daat Torah Zerufah*), while denouncing criticisms of R. Schach's views as con-

stituting denigration of the honor of the Torah (*Bizayon Kevod Ha-Torah*). One Rosh Yeshivah at a rally in New York even called upon all orthodox institutions to boycott the *Algemeiner Journal*, which had run several articles critical of R. Schach, by withholding from it all advertisements of religious functions, banquets, etc. And, indeed, for a few weeks—until a suitably decent interval had elapsed—there was a falling off in advertisements. (This entire matter—exclusive of the actual boycott—has been fully covered in the *Jewish Observer*, February, 1982. I strongly recommend this issue to all interested parties. It might be noted, in passing, that the *Jewish Observer* very conveniently fudged the question as to whether it was only the sometimes rather shrill criticism of R. Schach which constituted denigration of honor of the Torah or whether even the bare fact of criticism alone was unacceptable.)

Now I ask R. Isbee: Was this whole episode of *Daat Torah* in action only a matter of halakhic *pesak*? And I ask R. Reichel: Did R. Schach's remarks really represent "a consensus reached by the *Moetzes Gedolei Ha-Torah* . . . after debate following presentations by counsel who articulate all sides and perspectives of issues?" And does R. Reichel think that R. Schach's remarks, despite all the mass rallies, were really "voluntarily accepted by the heterogeneous traditional community?" And if none of these things are true, then what becomes of R. Isbee's and R. Reichel's very fine words.?

This is not to say that my discussion of *Daat Torah* was wholly satisfactory. A number of readers who sympathized with the thrust of my essay, privately criticized the essay's concluding part for being overly compressed. Certainly what is required is a full dress discussion of the nature and scope of rabbinic authority. However, I felt that R. Hutner's thesis was im-

portant enough to deserve an essay in reply and that I, at least, ought to raise the issue of *Daat Torah* and place it on the agenda for discussion, even if I could not discuss the more fundamental question of rabbinic authority with the amplitude it requires. A letter to the editor is not the place for such a discussion. I would, however, like to point to two negative results of the ideology of *Daat Torah*, which my critics' letter, paradoxically have brought to the fore.

First. Rabbi Isbee argues that Rabbi Hutner's discourse in the holocaust was simply a traditional *shi'ur* and was not intended to be taken as *Daat Torah*. This may very well be so. Indeed, Hillel Seidman in a very moving eulogy on R. Hutner in the *Algemeiner Journal* also stated that R. Hutner never insisted that his views on this subject be accepted as authoritative. However, R. Isbee's quarrel, then, is not with me, but with the editors of the *Jewish Observer* who labelled R. Hutner's lecture "A *Daat Torah* Perspective on the Holocaust." (In a similar manner, the publishers of a letter of R. Schach to graduates of Beis Yaakov High Schools in Israel, in which he urged them not to attend the Jerusalem College For Women [the Michlalah of R. Cooperman] and adjured them, "Depart ye from this wicked tent" [cf. Nu 15:26!] entitled it "*Daat Torah*"). Here we see that the ideology of *Daat Torah* results in the followers of *Gedolei Yisrael*, or, rather, a particular group of *Gedolei Yisrael*, are becoming prisoners of their own ideology. Indeed a number of prominent rabbis who have close connections with the Yshivah world, but are themselves not part of that world, have privately remarked that many of the *Roshei Yeshivot* themselves feel that the ideology of *Daat Torah* has gone too far, but they are riding a tiger by the tail and find it difficult to get off.

And last. R. Reichel at the conclusion of his letter urges me to "self-

monitor more carefully [my] personal . . . broadsides." My article strove to be, and I believe succeeded in being, a sharp and rigorous, but, at the same time, objective and respectful critique of certain views of the late Rav Hutner, whose profound Torah scholarship I indeed acknowledge, and, more than that, whose highly original, rich and stimulating discourses I study diligently. (I might mention, parenthetically, that I invited Professor Steven Schwarzchild to deliver a paper of Rabbi Hutner's thought at the 1979 conference of the *Association of Jewish Studies* at a session on contemporary traditional Jewish thought which I organized and chaired). Can my essay really be described as a "personal broadside?!" But R. Reichel's reaction is not unique. The editor of *Tradition* told me that he showed my article to a prominent *Rosh Yeshivah*. The *Rosh Yeshivah*, upon completing it, remarked: "There is such a lack of *Derekh Eretz* for *Gedolei Yisrael* today. Do we need another article that will only add to that disrespect?"

Now the spokesmen and the journalistic organs of Agudat Israel are not at all reticent in vigorously and sharply criticizing any and all aspects of modern orthodoxy, oftentimes even exceeding the bounds of good taste. But when I engage in an objective critique of certain views of one of their leading figures, I stand accused of a lack of *Derekh Eretz*, of launching a personal broadside. It is in this personalization of intellectual debate, this intolerance of criticism, no matter how respectfully expressed (and I could bring many examples of this phenomenon) that we see fully revealed the bitter fruits of the ideology of *Daat Torah*.