

Halakhic Process

Gadolatry / Da'as Torah

I. "Gadolatry"

1. "Gadolatry" In Orthodox Jewish Discourse

<http://www.joshyuter.com/2011/08/17/random-acts-of-scholarship/gadolatry-in-orthodox-jewish-discourse/>

The term "*gadol*" means "great one" or more specifically a "great rabbi," whose opinions because of his greatness, are treated not only as superior to those of ordinary rabbis (let alone common Jews) but may also be considered to be the definitive religious position on any given subject. Similarly, its plural form "*gedolim*" refers to a collective of great rabbis, which in addition to the implication of rabbinic greatness, also conveys the perception of consensus among the religious elite. Thus, when one invokes a *gadol* or attributes a stated position to a *gadol* or the *gedolim*, he is not only appealing to the higher authority in *support* of a position as much as arguing that the *gadol's* affirmation itself *determines* the correct Jewish position. Conversely, any position which contradicts or criticizes a *gadol* or the *gedolim* on matters of *halakha*, theology, or even public policy is inherently illegitimate if not an outright heretical affront to the Jewish religion or even God's will. In either case, any position contrary to that of a *gadol* is summarily dismissed purely on the authority of the elite rabbinic persona.

Appeals to a *gadol* and *gedolim* are primarily predicated on two categorical assumptions of faith. The first set of assumptions are ontological, in that there does in fact exist within Judaism an elite class with the final authority over legal, theological, and public policy questions to which all Jews must adhere and all lesser rabbis must defer. It is important to distinguish this elite class from the Sanhedrin which was a formal judicial and legislative body with its own qualifications, procedures, and regulations. Even if the other party in the argument agrees that certain rabbis are greater in some way than others, he may not necessarily bestow upon those rabbis the superior authority implied by the designation of "*gadol*."

The primary obstacle with this assumption is that it is nearly impossible to verify or reject without similar assumptions of faith regarding the source(s) of religious authority in Judaism. Were one to support the existence of such an authoritative informal institution, one must provide some basis to justify that position. One such option would be to find supporting (or opposing) sources in Jewish texts such as the Bible or Talmud. However, even if these sources are considered part of the religious canon, their respective authority may be disputed and their meanings reinterpreted. In the Talmud itself we find differing opinions relating to the legal normativity of the books of the Prophets, and the Rabbinic sages often reinterpreted Biblical verses outside of their literal meaning – the most famous example of which being Ex. 21:24 "an eye for an eye" to mean a monetary penalty (B. Bava Kamma 83b-84a). Finally, as noted above, even the normative role of the Talmud is disputed among Orthodox traditions, not to mention the authority of interpreting Talmudic sources.

In other words, the very question of religious authority in Judaism requires a priori assumptions of faith regarding the very sources of religious authority with which to justify one's position. After all, rabbinic authority is defined by the Rabbis, and the *gadol's* authority would only be validated through the authority of other great rabbis, even those of an earlier era. The authority

of any institution must come from some place outside of itself, and unless that source of validation is agreed upon a priori, the question of any authority is never answered, only deferred. Therefore, arguments for the existence of an authoritative *gadol* class through Jewish texts will not result in definitive conclusions.

And yet, if the existence and authority of an elite rabbinic class is granted, the second set of assumptions which need to be addressed relate to its membership. In particular, two questions which must be answered are 1. who is considered to be *agadol* or among the *gedolim* and 2. what is the criteria by which one makes those determinations. Rarely (if ever) will an individual rabbi declare himself to be a *gadol*— such a declaration would be not only the mark of arrogance but blatantly self serving. Thus membership in the *gadol* class must come from an outside source.

Given the elite status of the *gadol* one may suspect that only one who has attained this elite status could in turn bestow it upon others. Rabbis can only be ordained by other Rabbis, members of the Sanhedrin appoint their own colleagues. To attain a high rank, one suspects the authority must derive from an equal or higher authority. However, there is no such formal mechanism of meritocracy for *gedolim*. There is no formal election, recognition, or proclamation indicating when a rabbi has achieved greatness. Thus, despite the magnified importance and authority attributed to the *gedolim*, there is no objective criteria to identify or define them.

II. Definitions of "Da'as Torah"

2. Rabbi Avi Shafran – What Da'at Torah Really Means The New York Jewish Week (2003)

There's been considerable buzz of late about what has come to be called "Da'at Torah," the concept of trusting in the judgment of great Torah scholars regarding not only issues of Jewish religious law, or halacha, but issues of a sociological or even political nature no less.

In December, as Yeshiva University sought a new president, its long-time president Rabbi Norman Lamm explained why the opinion of leading talmudic scholars at the seminary was not afforded great weight. "We don't work on the concept of da'as Torah," he said. "[I]here is no principle of infallibility that we accept."

At a recent conference, the "Modern Orthodox" group Edah's director, Rabbi Saul Berman, recounted how encounters with Rabbi Joseph B. Soloveitchik had left him with the impression that the elder rabbi made a distinction between religious matters, where "his authority on Halacha was binding," and political or social matters, where they were not. The implicit message, The New York Jewish Week's Debra Nussbaum-Cohen wrote, was that "Modern Orthodox Jews are not bound by Da'at Torah," a belief "prevalent in the haredi world."

A week later, Jewish Week editor Gary Rosenblatt pointed to a public apology that was offered by a respected rabbi for a misjudgment as proof that Da'at Torah is an inherently indefensible belief.

Whether Da'at Torah should be discounted by non-haredi Jews or not (not), and whether a rabbi's admission of having made a mistake undermines the principle (it doesn't), one thing that certainly does not help the cause of objective consideration of the idea is its misrepresentation.

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, Horiot,

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.

Jewish tradition refers to Torah leaders as the "eyes of the community." That is because they see things more clearly than the rest of us. Not necessarily perfectly. And there are times when G-d purposefully hides things from even His most accomplished disciples. But more clearly all the same.

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.

The phrase "Modern Orthodox" seems to mean several very different things to different groups of Jews. But if the word "Orthodox" is to have any meaning at all, it has to reflect a basic belief in the supremacy and scope of Torah. And an appreciation of the concept of Da'at Torah - understood correctly - directly follows.

In the words of a great leader of Jews: "The very same priest whose mind was suffused with the holiness of the Torah of Rabbi Akiva and Rabbi Eliezer, of Abaye and Rava, of the Rambam and Ravad, of the Beit Yosef and the Rama, could also discern with the holy spirit the solution to all current political questions, to all worldly matters, to all ongoing current demands."

Those words were written in 1940, as part of a eulogy for a great Lithuanian Torah-scholar and leader, Rabbi Chaim Ozer Grodzenski. Their author was Rabbi Joseph B. Soloveitchik.

3. Lawrence Kaplan – Daas Torah: A Modern Conception of Rabbinic Authority

Perhaps the clearest and most forceful presentation of the ideology of *Daas Torah* is to be found in the following statement, attributed to the Hafetz Hayyim:

The person whose view [*daato*] is the view of Torah [*Daas Torah*] can solve all worldly problems, both specific and general. However, there is one condition attached. The *Daas Torah* must be pure, without any interest or bias. However, if there is a person who possesses *Daas Torah* but it is intermingled even slightly with other views from the marketplace or from newspapers, then this *Daas Torah* is turbid, intermingled with dregs. Such a person cannot penetrate into the heart of the matter. [Hafetz Hayim al ha-Torah ed. Rabbi S. Greineman 30].

Thus, paradoxically, or maybe not so paradoxically, it is the rabbis who are completely immersed in the world of Torah and seemingly removed from the outside world who, in truth, possess a unique penetrating insight into the challenges and needs of the situation; and it is only they who, consequently, can draw upon "the spirit of tradition" in order to formulate the policies needed to meet these challenges and needs.

[Regarding R. Soloveitchik's eulogy]

It is no coincidence that this eulogy was delivered at the second annual conference of the Agudas Yisrael of the United States, at a time, moreover, when Rav Soloveitchik was a vice president of the Agudah. Nor is it a coincidence that in the eulogy, Rav Soloveitchik contrasted this type of all-embracing leadership, as embodied, for example, by R. Hayyim Ozer, with the secular leadership of nontraditional movements wishing to reserve communal leadership for themselves and reduce the rabbis to religious functionaries who rule only on purely ritual or technical, halakhic matters. We have there, then, an excellent expression of the Agudah ideology of *Daas Torah*. (7-9)

We are suggesting, then, that the ideology of *Daas Torah*, in large part, is intended to provide a basis for a new type of rabbinic authority, a type of authority that can serve as a substitute for the traditional mechanisms whereby both the lay and rabbinic leadership of functioning Jewish communities dealt with new challenges, whether through *takkanot* (be they *takkanot ha-kahal* or rabbinically instituted *takkanot*), *gezerot*, the ban, and the like. (14)

Three statements from the postwar era should give us a good picture of the contemporary ideology of *Daas Torah*...

(Hazon Ish, Hitorrerut 41-42)

The viewpoint that divides the Torah in two: questions of *issur ve-heter* on the one hand and guidance in everyday life on the other; and that 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 other nations...For one to distinguish between instruction regarding *issur ve-heter* and matters of legislation constitutes a denigration of *talmidei hakhamim* and places one in the category of those who have no portion in the world to come.

(R. Eliyahu Dessler Michtav Me-Eliyahu 1:75-77)

Whoever was present at their meetings [the Hafetz Hayyim, Rav Hayyim Brisker, and Rav Hayyim Ozer]...could have no doubt that he could see the

Shekhinah resting on the work of their hands and that the holy spirit was present in their assemblies... Our Rabbis have told us to listen to the words of the Sages, even if they tell us that right is left, and not to say, heaven forbid, that they certainly erred because little I can see their error with my own eyes. Rather, my seeing is null and void compared with the clarity of intellect and the divine aid they receive... This is the Torah view [*Daas Torah*] concerning faith in the Sages [*Emunat Hakhamim*]. The absence of self-negation toward 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.

[Rabbi Bernard Weinberger, "The Role of the Gedolim" Jewish Observer 1:2 Oct 1962 11)
Gedolei Yisrael possess a special endowment or capacity to penetrate objective reality, recognize facts as they really are and apply pertinent halakhic principles. This endowment is a form of *ruach ha-kodesh*, as it were, bordering, 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 *hashkafah* 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 *Emunal Hakhamim*.

(Kaplan 15-17)

III. Gadoltry and "Da'as Torah" in Rabbinic Literature

<p>4. B. Chullin 90b TO THE RIGHT AND LEFT HIP. Our Mishnah does not agree with R. Judah, for it was taught: R. Judah says: It only applies to one [hip], and reason decides in favour of the right [hip]. It was asked: Was R. Judah certain about it and by 'reason' he meant the reasoned interpretation of the Torah, or was he in doubt about it and by 'reason' he meant the probable meaning?</p>	<p>4. תלמוד בבלי חולין צ:ב בירך של ימין ובירך של שמאל. מתניתין לא כרבי יהודה, דתניא רבי יהודה אומר: אינו נוהג אלא באחת, והדעת מכרעת - את של ימין. איבעיא להו: מיפשט פשיטא ליה לרבי יהודה, ומאי דעת - דעת תורה, או דלמא ספוקי מספקא ליה, ומאי דעת - דעת נוטה?</p>
<p>5. Deuteronomy 17:10-11 10 You must act according to the decisions they give you <u>at the place the Lord will choose</u>. Be careful to do everything they instruct you to do. 11 Act according to whatever they teach you and the decisions they give you. <u>Do not turn aside from what they tell you, to the right or to the left.</u></p>	<p>5. דברים יז, י-יא (י) וְעִשִׂיתָ עַל פִּי הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ מִן הַמָּקוֹם הַהוּא אֲשֶׁר יִבְחַר יְקוֹקֵץ וְשָׁמַרְתָּ לַעֲשׂוֹת כְּכֹל אֲשֶׁר יֹרֶדֶךָ: (יא) עַל פִּי הַתּוֹרָה אֲשֶׁר יֹרֶדֶךָ וְעַל הַמִּשְׁפָּט אֲשֶׁר יֹאמְרוּ לָךְ תַּעֲשֶׂה לֹא תִסּוּר מִן הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ יָמִין וּשְׂמָאל:</p>
<p>6. Sifrei Devarim Shofetim 154 "Right and left" – Even if <u>what appears to you</u> that right is left and left is right, you are to listen to them.</p>	<p>6. ספרי דברים שופטים קנד ימין ושמאל, אפילו מראים בעיניך על ימין שהוא שמאל ועל שמאל שהוא ימין שמע להם</p>
<p>7. Y. Horayot 1:1 45d Is it possible that, if people should say to you that right is left and left is right, you should listen to them? Scripture says, "To go to the right hand or the left," <u>meaning that [one follows the majority only if] they declare to you that [what actually is] the right is right, and the left, left.</u></p>	<p>7. ירושלמי הוריות א:א מה ד: יכול אם יאמרו לך על ימין שהיא שמאל ועל שמאל שהיא ימין תשמע להם תלמוד לומר ללכת ימין ושמאל שיאמרו לך על ימין שהוא ימין ועל שמאל שהיא שמאל</p>

<p>8. B. Horayot 2b [Obviously] in such a case as where [the scholar] knew that it was prohibited, but erred in the [interpretation of the] precept of obeying the words of the Sages; according to my view also it is a case where they erred in the [interpretation of the] precept of obeying the words of the Sages. [Believing that the Sages must be obeyed even here they permit a thing prohibited.]</p>	<p>8. תלמוד בבלי הוריות ב:ב כגון דידע דאסור וקא טעי במצוה לשמוע דברי חכמי, לדידי נמי, דטעו במצוה לשמוע דברי חכמי.</p>
<p>9. Ramban Deut. 17:11 s.v. <i>Yamin Usemol</i> (Gerona, Spain 1194 – Israel, 1270) Even if it appears to you that [the sages] confuse the right with the left, and certainly if it appears to you that what they call "right" is in fact "right," <u>for the spirit of God rests on his holy servants and they will be forever protected from mistakes and stumbling</u></p>	<p>9. רמב"ן דברים יז:יא אפילו יהיה בעיניך כמחליף הימין בשמאל, וכל שכן שיש לך לחשוב שהם אומרים על ימין שהוא ימין, <u>כי רוח השם על משרתי מקדשו ולא יעזוב את חסידיו, לעולם נשמרו מן הטעות ומן המכשול.</u></p>
<p>10. Tertullian De Pudicita, 21 (Bettenson Early Christian Fathers p. 113) Carthage (c. 160 – c. 220 AD) For the Church is properly and primarily the Spirit, in whom is the trinity of the one divinity, the Father, the Son, and the Holy Spirit. <u>The Spirit makes the assembly of the Church, which the Lord established in three persons.</u> And thus, the whole number of those who have leagued together in this faith is given the status of the Church by the Church's author and consecrator...<u>For the right of judgment belongs to the Lord, not to the servant; to God himself, not to the priest.</u></p>	

Kaplan, Lawrence. "Daas Torah: A Modern Conception of Rabbinic Authority." *Rabbinic Authority and Personal Autonomy* Ed. Sokol, Moshe. Northvale: Aronson, 1992. 1-60. Print.