

Da'at Torah

by: Rabbi Jeremy Rosen

You cannot understand Orthodox Judaism today without coming to grips with the concept of Da'at Torah. Da'at Torah literally means a "Torah Opinion", and it was originally used to refer to a legal opinion that fell within the framework of Jewish law. Much, much later it came to mean the only authentic religious position in Judaism. Later still it mutated into that position officially endorsed by "the Council of Great Rabbis" without of course specifying who those rabbis might be. Since nowadays there is so much disagreement as to who actually is a Great Rabbi, it now means "whatever position MY 'Great Rabbi' endorses". So we have been treated to a series of examples where one "Great Rabbi" says, "Vote for this party," and another "Great Rabbi says, "Vote for that party." For those in the middle or following a third "Great Rabbi", this is rather confusing.

Da'at Torah is an ideology that emerged towards the end of the nineteenth century in response to the challenge of assimilation, Reform, and Zionism. It is as near as you can get to the Catholic dogma of Papal Infallibility (itself a nineteenth century response to challenge). Over the past century it has been constantly modified and tweaked to the point where it has become the defining distinction between Ultra/Charedi and every other brand of Orthodoxy. For those of you interested in understanding more, I refer you to [a brilliant analysis by Benjamin Brown of the Hebrew University](#). It is serious reading.

Da'at Torah is an interesting expression of an idea that is more political than religious. Of course there has always been a tradition of following religious authority. You can find its origin in the Bible, in Deuteronomy 17:8-10: "If there is something you do not understand in Jewish law, a disagreement between people or a conflict within your gates...you shall take it to the priests or the judges whoever is the authority at that time, and you shall do as they tell you in accordance with Jewish Law," etc. Throughout the Talmudic period there were mechanisms of authority, processes of decision making. These have continued to this day through the medium of responsa, published learned legal opinions. Such mechanisms have always allowed for differing opinions, as there have always been on matters of politics, civilization, and personal choices.

Post-Talmudic Judaism has developed into different traditions based in locations, influenced by host nations and intellectual trends, sometimes mystical and sometimes rational. Nevertheless, the constitutional integrity and continuity of the halachic process has been what has kept the common core and link between these different religious communities and sects, as one sees most vividly in Israel today.

The author of the handbook of Jewish Law, the "Shulchan Aruch", said in his introduction that the purpose of his book was to enable the average Jew to know what to do and only have to resort to a rabbi where he did not have the

information. The dogma that one had to go to a rabbi or a kabbalist to answer all and every matter of one's personal life is a recent development that owes as much to the Chasidic concept of the rebbe as the tzaddik (the saintly man with a hotline to Heaven) as it has to do with traditional or Talmudic sources.

Of course some people are on a higher spiritual level, some more knowledgeable, and some more talented in understanding human nature. But that is not the same as saying one is obliged to go to a rabbi for every issue and that one is bound to adhere to his advice.

This dependence on rabbinic authority was tested during the run up to the Holocaust, when many Eastern European Great Rabbis told their followers to stay put rather than to flee into the jaws of American materialists or Zionist heretics. Yet many rabbis who told others to stay, got out, themselves, and were worshipped nevertheless. Which only goes to show that devotion has nothing to do with logic or history, but is an act of faith. No evidence can ever dissuade someone who chooses to believe. That is both the strength and the weakness of faith.

In a world where money and power are dependent on votes, leaders of religious communities, like political parties, know they must keep the faithful loyal so that they can produce a voting bloc at election time. This is why politicians in Israel and the USA go out of their way to court "Great Rabbis"; they want their votes. So the concept of inerrancy becomes a mechanism of control and political power. That is why the rabbis I respect most are precisely those who refuse to use such power, morally, fiscally, or politically.

Once such a phenomenon characterized Chasidic courts and kabbalist miracle workers. But now even the Lithuanian Yeshivish community mimics the Chasidim because they have realized the cost-benefit factor. It is a sad moment for Judaism as a spiritual tradition, as opposed to a social one.

As Prof. Brown illustrates, this ideology is beginning to fray. The Council of Sages is no longer effective. More and more followers are refuse to abide by such features of Da'at Torah as refusing secular education, refusing to serve in the Israeli army, and banning the internet and smartphones. Much of what Da'at Torah objects to may be justified. Secular culture is increasingly destructive, corrosive, and morally ambiguous. But the answer is not to imitate Catholicism, for as we know it hasn't succeeded. The answer is to follow the great tradition of "Both can be the words of God" (TB Eruvin 13b). There can be differing conclusions within the parameters of Jewish law.

The Great and the Good have the expertise and scholarship. I believe such expertise and scholarship should be respected and deferred to. But nowadays "Great Rabbis" have such carapaces of assistants, secretaries, bodyguards, gatekeepers, and fixers that it is impossible to know what actual message gets through to them and what they actually said in response. It's like Chinese Whispers both ways.

Thanks to the internet and computer technology with massive databases, we can

all get access to the facts with a basic yeshiva education. It's how one uses those facts that should define a Great Rabbi, rather than simply regurgitating the information. In an ideal world, that is what should define Da'at Torah.

Da'at Torah has developed into a positive theological political ideology. Ironically it is almost identical to Ayatollah Khomeini's way of thinking. Benjamin Brown's paper is a major achievement in giving the concept of Da'at Torah a historical and political context and showing why it is in danger of undermining itself.