

## *Rabbinic Authority and Leadership On the Contemporary Scene*

By: AARON RAKEFFET-ROTHKOFF

### **The Purpose of a Rabbi**

In the Torah civilization there is no distinction between the learned members of the rabbinate and the Jewish masses. Unlike the other dominant religions, there is no distinction between the clergy and the laypeople in their obligations and commitments before God and man. Rabbi Joseph B. Soloveitchik, my mentor and teacher, probed this very quandary. In a talk he delivered to the Hevra Shas in Boston on March 19, 1972, the Rav declared:

Every Jew today is a rabbi. What is the task of the rabbi? To teach and to impart the message of *Yahadut* [Judaism] to Jews who are ignorant of its message. Nowadays this task is not restricted to the official rabbi of the community. Every member of the community faces many complex situations and is confronted with many challenges. In order to meet these challenges courageously, he has to simply spread the message of Judaism.

In what respect does the rabbi differ from the rest of the community? There is not a single norm which is applicable only to the

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\* Dedication: This study is dedicated to the blessed memory of my beloved and revered eighth grade *rebbe* in Yeshiva Rabbi Israel Salanter – Rabbi Chanoch Henoch Fishman ז"ל. He influenced my entire life by encouraging me to attend Talmudical Academy High School and not Bronx High School of Science. Rabbi Fishman introduced me to many of the topics analyzed in this academic paper. We discussed these issues both after class and in his home, where I was a constant guest. Years later, I was privileged to serve on the Rabbi Isaac Elchanan Theological Seminary faculty along with Rabbi Fishman. His sterling character, Torah scholarship, and human insight continue to inspire me until today.

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Aaron Rakeffet-Rothkoff, Professor of Rabbinic Literature at Yeshiva University's Caroline and Joseph S. Gruss Institute in Jerusalem, is a noted scholar, author, and teacher.

rabbi and not applicable to the *ba'alei batim* or the laymen. As for the number of mitzvot that one is obligated to perform, there is no distinction between the rabbi and the layperson. There is not a single mitzvah which is applicable exclusively to the rabbi and has no application to the layman. I do not know of any such mitzvah.

As you all know, I am a descendant of a rabbinic family. Indeed, it is difficult to find a layman among my ancestors on either side for the last century and a half. On both the paternal and maternal sides, they were all rabbis. If you should ask me what the rabbinate stands for, I cannot give you an answer. In my opinion, the rabbinate is not an institution. If it becomes an institution, it might have disastrous effects as far as the future is concerned. The best example is the official rabbinate in the State of Israel. There has been a tendency to institutionalize the chief rabbinate in Israel. When I refused to accept the position of chief rabbi, I explained that one of my reasons was that the rabbinate has been institutionalized there. Willy-nilly, such a rabbinate will disintegrate. I am sorry that my prophecy was correct. It is now in a stage of disintegration.

The rabbinate has never been an institution. The rabbi has never been called "his eminence," as they do today in Israel. The rabbi has never walked with a silk coat, a cane in one hand, and the Bible in his other hand. All these mores reflect the Christian concept of the clergy. Of course, for Christianity the clergy is an institution. For us, the rabbinate is not an institution. It has become an institution in the United States, mostly among the Reform and Conservative rabbis. An institution means that the rabbi can do things that the layman cannot. There is not a single religious duty under the sun, which the rabbi is authorized to do, and the layman is not. The difference between them is only a question of scholarship. If the scholarship of the rabbi is limited, then he must not discharge those tasks that require scholarship and erudition.

What is a rabbi? I do not know. The question comes up quite often since we ordain rabbis at the Yeshiva [University]. Every year thirty to forty boys receive *semikhab* [rabbinical ordination]. I sign these certificates of ordination. I have signed about fifteen hundred or sixteen hundred ordinations over the years. I only hope that I will not receive *malkot* [the punishment of lashes] for each ordination that I granted. Perhaps the only question will be whether I get one lash or forty lashes for each certificate. [Laughter.]

Of course, you send off the rabbis and you try to give them a message. I am always in a dilemma about this. What kind of message can I give them? I do not know what a rabbi is. The more I think about my forefathers, the more I realize that the rabbinate is not something solid, rigid, and stable which imposes its rules upon the

individual. It is, rather, a many-faceted, variegated, and fluid phenomenon. Basically, it is not an institution or an office which willy-nilly must obscure the view of the rabbi as a human being. It is a personal commitment by an individual to live for, to be concerned with, and to be dedicated to the community. This community has only survived because countless individuals have dedicated their lives to its survival throughout the generations. Basically, it is a personal commitment, or, I would say, it is a style of living. The style of living of the rabbi differs from that of the laymen. The way of living cannot differ.<sup>1</sup>

At an address at the annual convention of the Rabbinical Council of America on June 30, 1970, the Rav alluded to a unique trait, which exemplified his grandfather Reb Chaim, “The Brisker Rav.”

Reb Meir Berlin [1880-1949; a relative of the Rav] once told me that he asked his grandfather Rabbi Yehiel Michel Epstein [1829-1908], the author of the *Arukh ha-Shulchan*, what was the role of the rabbi. He answered,

To decide questions of Jewish law [*posek she'elot*]. Reb Meir Berlin asked the same question of my grandfather Reb Chaim. He said that for guidance in Jewish law, one may go to a dayyan [rabbinical judge]. However, the main role of the rabbi is to help the needy, protect the persecuted, defend the widows, and sustain orphans. In a word, it is acts of loving-kindness [*gemilat hasadim*].

The truth is that the acts of Reb Chaim in these areas were fantastic. Stories abound about the illegitimate children whom he adopted, provided for, and sent to *heder*. You all know how he helped the Bundist revolutionary on Yom Kippur. He saved his life. This was the most important attribute inscribed on his tombstone, namely, that he was a master of loving-kindness, a *rav ha-hesed*.<sup>2</sup>

Regardless of this basic principle that there is no dichotomy in religious responsibility among the common Jewish people and the rabbis, the latter have sustained and perpetuated the Torah way of life. The lay people enter the mainstream and maelstrom of life, with its trials and tribulations. The rabbis constantly retreat to the Tabernacle of Torah and its study. Rabbi Aaron Lopiansky has published *Ben Torah for Life*, an entire volume devoted to guiding the yeshiva graduates who choose to enter the vast world beyond their educational institutions. In the introduction, the author explains why he chose to write the book.

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<sup>1</sup> Aaron Rakeffet-Rothkoff, *The Rav: The World of Rabbi Joseph B. Soloveitchik* (Hoboken, NJ: Ktav Publishing House, 1999), vol. 2, pp. 37-42.

<sup>2</sup> Rakeffet-Rothkoff, *The Rav*, vol. 1, p. 193.

The first reaction to this book may be: Are there not enough *mussar shmuessen* in yeshiva on these topics? And if not, then shouldn't there be *shmuessen* on this? After all, what could be more important than "life?" The answer is that *shmuessen* in yeshiva correctly tend to address the issues of those sitting and learning, as one would expect. Once one has left yeshiva, there are no more *mussar shmuessen* and *va'adim*. So what will guide the *talmid* in the next nine decades of his life? This book is an attempt to provide some guidance.<sup>3</sup>

In contrast, the rabbinical scholar remains immersed in his environment of Torah observance, study, and dissemination. Time is not a factor in his life. The past and future are as tangible as the present. His foremost quest is to engender the continuity of the Torah civilization. The Thunder of Sinai must endure to one day generate the Messianic Epoch.

### **Rebirth of Torah Life in the Modern Age**

Torah observance in the United States and Canada was minimal before World War II. Assimilation was rampant, intermarriage increased daily, and the ultimate demise of the traditional Jewish way of life was a prevalent assumption. Less than a century later, the Western world is home to a vibrant and dynamic Torah community. The Zionist movement was inundated by pioneers who negated and voided the lifestyle of their forebears. Today the State of Israel is home to the most vibrant Torah society in the world. How was this accomplished? Who were the leaders and guides? Who motivated and inspired the Jewish masses?

The renaissance and rebirth of Torah was not engendered by the lay people. Even those who retained their religious observance in their new environment and surroundings remained skeptical about the future. In a lecture to the *Hevra Shas* in Boston, on March 19, 1972, the Rav stated:

Abraham is important because he is willing to pass on his traditions to his children and grandchildren. Whatever Abraham has achieved, he wishes to transmit to his children. Abraham wants to pass on his way of life to his descendants. "For I have known him [Abraham] because he commands his children and his household after him, that they may keep the way of the Lord" [Genesis 18:19].

This is exactly what American Jewry was lacking thirty and forty years ago. American Jews did not understand this idea. They thought that one is only responsible for oneself. When I came to Boston there were many Jews who were perfect as far as responsibility for

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<sup>3</sup> Aaron Lopiansky, *Ben Torah for Life* (Jerusalem: Eshel Publications, 2018), Introduction, p. 17.

their own lives is concerned. They observed the Torah and were very careful about their religious conduct. There were many scholars among them, and some were actually fine *lamdanim*. I used to deliver *drashot* which were much more complicated than those I now deliver. I got away from that style of preaching and homiletics.

These people did not understand one major aspect of Judaism. The individual is responsible, not only for himself, but for the future. Perhaps his main responsibility is to the future and the countless generations that will come after him. The motto of the Jew has always been the importance of the Mesorah, or tradition: pass on and transmit. You received from your father and must transmit these traditions to your children.<sup>4</sup>

Irving Bunim was an activist and supporter of the nascent Torah evolution on the American scene. His son, Amos, wrote the biography of his father, in which he asserted:

Early on, Bunim had assessed the situation: religious Jews were simply overwhelmed by the hardships, secularism and materialism of the New World. This culture shock compelled many to relinquish the fight for *Yiddishkeit*.<sup>5</sup>

This reality was echoed in an event which took place during this period:

In 1928, Rabbi Meir Shapiro, the Lubliner Rav, renowned for his Torah scholarship and for founding the *daf yomi* (the daily study of a complete folio of Talmud), visited the United States to raise funds for his yeshiva. At a meeting of Jewish leaders, Rabbi Shapiro was treated as guest of honor. He in turn honored a colleague. He asked that Rabbi Shraga Feivel Mendlowitz, subsequent founder of the Torah Umesorah day school movement, be seated next to him. When the others looked quizzically at the high honor accorded Rabbi Mendlowitz, who was not well-known at that time, Rabbi Shapiro said, "Any person who can stay in America and try to build Torah has the greatest place in *olam ha-ba*, and I would be privileged to sit alongside him there."<sup>6</sup>

Indeed, it was the immigrant and refugee rabbis who motivated and led the maturation of Torah observance on the contemporary scene. In Israel, Torah institutions were created by individuals such as Rabbis Aryeh Bina, Joseph Kahaneman, Zvi Yehudah Kook, Moshe Zvi Neria, Elazar Shach, and Yehoshua Yogel. In the United States, a renaissance of Torah

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<sup>4</sup> Rakeffet-Rothkoff, *The Rav*, vol. 2, pp. 13-14.

<sup>5</sup> Amos Bunim, *A Fire in His Soul* (Jerusalem: Feldheim Publishers, 1989), p. 24.

<sup>6</sup> Bunim, *A Fire in His Soul*, pp. 24-25.

and observance was inspired by leaders such as Rabbis Samuel Belkin, Moshe Feinstein, Yitzhak Hutner, Yaakov Kamenetsky, Aharon Kotler, Dovid Leibowitz, Shraga Feivel Mendlowitz, Bernard Revel, and Joseph B. Soloveitchik. The Hasidic world was also rebuilt after its desolation during the Holocaust. The Lubavitcher Rebbeim in the United States created an international Chabad movement. The Satmar Rov and his followers became a focal religious and political presence in their new domicile. In Israel, the Gerer and Belzer Rebbeim rebuilt their dynasties and became conspicuous forces on the Israeli scene.

The reawakening of Torah engendered resourceful movements and methods dedicated to outreach among the Jewish masses. The primary goal was to retain and regain Jewish observance and commitment. Enlightening are the Rav's observations regarding Chabad.

Levi Yitzhak Hayerushalmi, a writer for *Ma'ariv*, the Israeli daily newspaper, had an interview with Rabbi Soloveitchik when the former visited the United States. Their dialogue was published in *Ma'ariv*, October 28, 1977. Hayerushalmi raised the issue of the *teshuvah* movement, which was then becoming more widespread. In his response, the Rav praised the Lubavitch *tefillin* campaigns. Rabbi Soloveitchik stated:

With this act of placing Tefillin upon Jews, the Chabad devotees remind their brethren that they are Jewish. This is praiseworthy. The tyro experiencing the Tefillin performance may begin to wonder what this precept is all about. He may start to question his spirituality. When a member of the Jewish people starts to explore his religious status, we never know how the process will culminate!

The Rav then continued his evaluation of Chabad activities on the American scene:

No other organization could achieve what Chabad has accomplished in America. Chabad has placed Judaism in the public thoroughfare. Even though Chabad adherents are a minority among the American Torah community, its success is highly visible. It has taught the observant Jew to assert "chutzpah." At times, I may not agree with some of their methods. Nevertheless, this accomplishment is one of a kind. It has rejuvenated religious Jewry in America.

For instance, in the past whenever a Jewish topic arose, the leading newspapers such as *The New York Times* would quote Reform rabbis. The Torah world no longer existed for these newspapers. Chabad has placed Torah in the headlines of the newspapers, radio and television.

There is another aspect of Chabad thinking which I consider very important. They comprehend reality and act accordingly. They

open centers for Judaism on college campuses. This is most admirable. Many religious Jews look down upon these Jewish youngsters attending secular universities. Here I totally agree with Chabad. We must recognize the environment in which these Jewish men and women function. Most of these students are not observant, yet they possess a spark of Judaism in their hearts. We must attempt to set alight this flame.<sup>7</sup>

### **The Link to the Past**

This unique accomplishment of reconstructing the Torah world after the Holocaust was only attainable because the rabbinical leadership was linked to earlier generations. This concept was developed by the Rav in his eulogy for Rabbi Chaim Heller. The most profound intellectual relationship that the Rav forged in Berlin was with Rabbi Chaim Heller (1879-1960). Rabbi Heller was a unique Torah scholar who combined vast erudition of the traditional type in rabbinic literature with a thorough knowledge of modern methods of textual research. Rabbi Heller established an advanced yeshiva, the Beth ha-Medrash ha-Elyon, in Berlin. The goal of this institution was to combine the intensive study of classical rabbinic literature with the modern scientific approach to research in Bible and Talmud. The school did not flourish due to the paucity of students who could satisfy its high standards. Although the Rav was never a formal student in Rabbi Heller's school, he became a disciple of Rabbi Heller's and their relationship developed into a paternal bond.<sup>8</sup>

Decades later, the Rav's *hesped* of Reb Chaim Heller was widely acclaimed as one of his most inspired, inspiring, and creative expositions in the disciplines of homiletics and theology. In his eulogy for Rabbi Heller,

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<sup>7</sup> Aaron Rakeffet-Rothkoff, *Rakafot Abaron* (Jerusalem: Shvut Ami, 2019), vol. 4, pp. 250-251.

<sup>8</sup> Dr. Werner Silberstein, a resident of Berlin in this period, described his memories of a frequently observed street scene:

In those years, one could frequently encounter three men walking along the streets of Berlin who stood out even amongst Berlin's Jewry, which was certainly not short of eminent personalities. The three men were Joseph Dov Soloveitchik with Professor [Eugen] Mittwoch [1876-1942], an Orthodox Jew and a distinguished Orientalist, and with Rabbi Chaim Heller, one of the great scholars of his time; sometimes accompanied by Rabbi Dr. [Yehiel Jacob] Weinberg [1885-1966], rector of the Hildesheimer Rabbinical Seminary. (Werner Silberstein, *My Way from Berlin to Jerusalem* [Jerusalem: Special Family Edition published in Honor of the Author's 95th Birthday, 1994], pp. 26-27, cited by Rakeffet-Rothkoff, *The Rav*, vol. 1, pp. 27-28.)

the Rav analyzed the composition of a principal blessing in the daily *She-moneh Esreh* prayer. “To the righteous, the pious, the elders of Your people the house of Israel, the remnant of their scholars, the righteous converts, and to us, may Your compassion be aroused, Lord our God.” The first three categories are simply nouns. The fourth “scholars” is preceded by an adjective. Why was this adjective “remnant” necessary before the concept of “scholars”? The other nouns are not modified while the last one is. The Rav explained that in every generation there are young people who aspire to become pious, righteous, and scholarly individuals. However, they will only achieve their goals if they interact with and relate to the “remnant” of the scholars of the previous generation. This is the essence of the Oral Tradition, which unfolds through the ongoing interaction between yesteryear and the contemporary era. The Rav then declared that Rabbi Chaim Heller was the personification of the “remnant of the scholars” in his time.<sup>9</sup>

### **Rabbinic Authority**

What is the relationship that should prevail between the common Jewish public and its mentors? The Torah delineates circumstances where a Halakhic dilemma is submitted to the preeminent scholars of the generation for their ruling and guidance. We are commanded to act: “According to the teaching that they will teach you and according to the judgment that

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<sup>9</sup> Pinchas Peli, ed., *Be-Sod ha-Yahid ve-ha-Yahad* (Jerusalem: Orot Publishers, 1976), pp. 268-274. The *Koren Mesorat HaRav Siddur* thus recapped the Rav’s homily:

[To] the remnant of their scholars. Why does the *berakha* here emphasize the remnant of a past generation? Why could it not have read simply, “And to the scholars”? The answer is that it does not matter how many scholars or leaders there are unless they can be linked to the great chain of tradition, unless they include a remnant of sages from our lofty past. Tradition includes not only theoretical innovations, abstract concepts, halakhic formulas and logical principles. It also involves feelings and reactions, reflecting an experiential continuity. In each and every era, we, the receivers of the tradition, need at least one individual who can connect the generations, who witnessed the lofty events of the distant past. We need to draw courage from tradition in the form of a living personality, serving as a bridge between fathers and sons. The trembling, wrinkled handshake with its rhythm of generations, the fatherly or motherly glance in which dwells the mystery of the past, the strains of a shaky voice in which eternity is preserved, these can tip the balance in favor of holiness against the profane. (*The Koren Mesorat HaRav Siddur* (Jerusalem: OU Press and Koren Publishers, 2011), pp. 134-135.) See also *RCA Siddur Avodat HaLev* (New Milford, Ct.: Rabbinical Council of America, 2018), pp. 119-120.



they will say to you, shall you do; you shall not deviate from the word that they will tell you right or left.”<sup>10</sup> *Sifrei* to Deuteronomy accentuates that the ruling must be heeded even when it appears that it is declaring “the left to be right and the right to be left.” Even if one is convinced that they are wrong, one must follow the sages.<sup>11,12</sup>

The *Sefer ha-Hinukh* (authored by an anonymous student of the Rashba) analyzed this commandment at length. Since learned persons might reach different conclusions, it was essential that we act in accordance with the majority opinion. This was in conformity with Maimonides’s understanding of the Biblical verse “to follow the majority opinion.”<sup>13</sup> The decision of the sages must be accepted even when the absolute ultimate truth seems to contradict their viewpoint. The *Sefer ha-Hinukh* cites the Mishnaic dispute between Rabbi Joshua and Rabban Gamaliel regarding the accuracy of witnesses attesting to the new moon. The new moon in question was that of Tishrei, and consequently the Day of Atonement according to Rabbi Joshua would fall a day later than according to Rabban Gamaliel. Astronomically it appeared that Rabbi Joshua was correct. Nonetheless, the decision of the Beth Din of Rabban Gamaliel was accepted. The Mishnah relates, “Rabbi Joshua thereupon took his staff and his money and went to Yavneh to Rabban Gamaliel on the day on which Rabbi Joshua considered the Day of Atonement.”<sup>14</sup>

A similar concept is expressed in the Talmud regarding the “Oven of

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<sup>10</sup> Deuteronomy 17:11. *The Chumash*. Stone edition, by Rabbi Nosson Scherman. ArtScroll Series. (Brooklyn, NY: Mesorah Publications, 1993) pp. 1027-1029. Cf. *Sanhedrin* 88b; Maimonides, *Hilkehot Mamrim*, chapter one.

<sup>11</sup> The ArtScroll Chumash further comments: You must obey the decision of the courts even if you are convinced they are wrong, even if they seem to be telling you that right is left and left is right—and certainly you must obey if it is clear to you that their decision is correct (Rashi; Ramban).

<sup>12</sup> The Jerusalem Talmud advocates a more critical approach. It declares that the obligation to acquiesce with the ruling would only apply when you know that the right is truly right and the left is left (*Horayot* 1:1, p. 26 Ridbaz edition). Rav Baruch ha-Levi Epstein in his *Torah Temimah* commentary stresses this approach. He acknowledges that humans often think differently. They will cite similar sources and reach opposite conclusions. Yet you must obey the final ruling of the sages. “However, when they transform right into left, you certainly should not listen to them.” As examples of misguided rulings, the *Torah Temimah* cites “permitting forbidden fats or incestuous relationships” (*Deuteronomy* 17:11 n. 62).

<sup>13</sup> *Sefer ha-Hinukh*, Mitzvah 496 citing Exodus 23:2. Cf. Maimonides, *Hilkehot Sanhedrin* 8:1.

<sup>14</sup> *Rosh Hashanah*, 2:8-9; 25a-b.

Akhnai.” This was an oven that was made in a series of separate portions with a layer of sand between them. Rabbi Eliezer held that such a structure was not liable to uncleanness, while the sages ruled that it was subject to defilement.<sup>15</sup> While exceptional and unimaginable manifestations indicated that Rabbi Eliezer was correct, the law still remained in accordance with the majority opinion of the Sages.<sup>15,16</sup>

The *Sefer ha-Hinukh* concludes the discussion of this law stating:

We must obey the teachings of the earlier sages and those of the Torah savants and the ecclesiastical judges of our generation. If one transgresses and abrogates their rulings, he is guilty of “deviating from the word they will tell you” (*Sefer ha-Hinukh*, Eshkol ed., p. 302).<sup>17,18</sup>

This awareness of the central and pivotal role of the rabbinical sages in communicating and preserving the Torah was widely recognized and respected. It resulted in definitive halakhot which delineated the respect

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<sup>15</sup> *TB BM* 59a-b and Rashi ad loc.; Maimonides, *Hilkhot Kelim* 16:5.

<sup>16</sup> This thesis was expanded upon in a more recent period by Rabbi Aryeh Leib Heller. In his introduction to his *Keẓot ba-Hoshen* on the *Shulḥan Arukh: Hoshen Mishpat*, he analyzed a perplexing *Midrash Rabbah* (to Genesis Chapter 8, sec. 5). The Midrash depicts the attribute of truth taking issue with the Almighty’s determination to create “the world.” “Truth” declared, “Do not bring the world into existence as man often distorts reality and factuality.”... What did the Almighty do? He took hold of the virtue of truth and cast it down to the earth. This is the meaning of the verse: “It will throw truth to the ground” (Daniel 8:12). Rabbi Heller depicts this Midrash as asserting and stressing the inability of man to always attain total accuracy and the genuine truth. Nevertheless, the Almighty concluded that He will create the world within this reality. Therefore, the halakhah must be determined within human capabilities. It is the majority opinion that prevails and not a “Heavenly Voice.” In order to retain the unity of Torah observance, the Jewish nation was commanded “not to deviate from the word” of the sages (Deuteronomy 17:11).

<sup>17</sup> See also Maimonides, *Sefer ha-Mitzvot*, negative commandment 312 and Introduction to *Mishneh Torah* (Haifa: Ohr Vi-Yeshuah Publications in collaboration with Yeshivat Torah Ha-Hayyim, 2009), subdivisions 21-27.

<sup>18</sup> The Talmud relates that Simeon Ha-Amsoni, a Tanna, interpreted every *et* in the Torah as an extending participle. Albeit, as soon as he came to “Thou shall fear (*et*) the Lord thy God”, he desisted. Subsequently, Rabbi Akiva came and taught: Thou shall fear (*et*) the Lord thy God to include scholars. (*Pesahim*, 22b citing Deuteronomy 6:13) See also *Ketubbot* 103b, 105b with regard to the honor accorded scholars.

which must be bestowed upon rabbinical scholars.<sup>19</sup> The sixth chapter of *Pirkei Avot* (*Ethics of the Fathers*) is composed of teachings of the Tannaitic Sages not included in the Mishnah. It details the necessary attributes that must be achieved in order to acquire the ultimate understanding of Torah. Among these qualifications, “*emunat haKhamim*” (“confidence in the sages”) is emphasized.<sup>20,21</sup>

Rabbi Elijah Eliezer Dessler, a leading twentieth century exponent of the Mussar movement, wrote:

The Almighty in his infinite benevolence has granted us Torah sages in every generation. When we comprehend their wisdom, we appreciate the clarity and accuracy of their vision and farsightedness. They chart their own spiritual maturation and teach others the path that is most beneficial for them. This reality evolves for us the practical aspects of our “faith in our sages.” Once we comprehend their prominence, we can benefit from the clarity of their vision. The sages become our guides for both a proper worldly outlook and practical deportment. The more we aspire to become their students and to properly understand their concepts, our own viewpoints will gradually be enhanced. The noted sages of our generation strive to be devoted students of the earlier scholars. Their main aim in life is to actualize the classic rabbinical comprehension and method of Torah

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<sup>19</sup> Maimonides stated: It is obligatory to honor every rabbinical scholar, even if they are not your personal teachers. This is in accordance with the precept “You shall stand up before the venerable and give respect to a sage” (Leviticus 19:32), *Torah*, Margolin edition, translated by Binyamin S. Moore. (Jerusalem: Feldheim Publishers, 1999). This refers to those who have achieved Torah wisdom. We are obligated to rise in their honor when they come close to us, within our four cubits. One must remain standing until the sage leaves his presence (*Hilkhot Talmud Torah* 6:1).

<sup>20</sup> *Avot* 6:6. “Confidence in the sages” is the translation published in the RCA *Siddur Avodat ha-Lev*, p. 719. The original RCA *Traditional Prayer Book*, edited and translated by David De Sola Pool (New York: Behrman House, 1960) translates it as “faith in the sages,” p. 696. “Faith in the sages” is also the translation utilized by Rabbi Lord Jonathan Sacks in *The Koren Mesorat HaRav Siddur*, p. 712.

<sup>21</sup> Maharal mi-Prague described the positive repercussions when one has confidence in the sages: When an individual has confidence in the teachings of the sages, he will cling to them. The faith in their guidance will inspire him to emulate them and to strive to likewise become a sage. The Talmud already states “He who stands in awe of the Rabbis will himself be a rabbinical scholar” (*Shabbat*, 23b). *Derekh Hayyim*, the Maharal’s commentary on *Avot*, chapter six, number 18. Cf. The commentary of Joshua David Hartman in his edition of the *Derekh Hayyim* (Jerusalem: Machon Jerusalem, 2010), p. 172.

scholarship. Once they achieve their goals, their opinions and viewpoints are totally precise and authoritative. Even when there are no explicit sources for their rulings and outlook, they are inevitably correct. It is not only regarding theological and theoretical issues that the sages are accurate. Even their mundane advice regarding daily non-spiritual quandaries is flawless. It is “as if someone would inquire of the word of God” (II Samuel 16:23). We see this phenomenon with our own eyes even in this inferior generation.<sup>22</sup>

### **The Zaddik**

The veneration of the sages reached its maximum expression with the dawn of the Hassidic movement, in the 18<sup>th</sup> century. A historian and scion of this world, Jacob Samuel Minkin, thus described this phenomenon:

An importance was attached to the cult of Zaddikism which made it occupy a central place in the ideology of the new faith, and which, in the end, obscured all its other teachings. Every other principle of Hassidism was relegated to the background to make room for this invention. The Zaddik became the symbol, the embodiment, the visible incarnation of the new movement. While only a few chosen intellects grasped the high religious and philosophical implications of Hassidism, there were thousands who were attracted by the dazzling and glamorous figure of the Zaddik.... Over and against the cold and impersonal traditional rabbi, Hassidism introduced the figure of the Zaddik, to whom the masses responded with homage and veneration seldom equaled in Jewish history.<sup>23</sup>

This innovation did not gain the approval of all the notable rabbis of that generation. In a responsum discussing a Hassidic addition to the liturgy, Rabbi Yechezkel Landau, the author of the *Noda BiYehudah*, wrote:

In our generation, they have forsaken the Torah and the source of our everlasting life. They neglect the study of both the Babylonian and the Jerusalem Talmuds, but instead they hollow out defective wellsprings. As a result of their haughtiness, their leaders exalt themselves. Each one claims, “I am the true seer. For me the gates of heaven have opened. On my account the world is sustained.” In reality, these persons were the destroyers of our generation. Regarding this orphaned era, I declare that the Almighty’s ways are just. The

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<sup>22</sup> Elijah Eliezer Dessler, *Mikhtav Me-Eliyahu*, ed. Aryeh Carmel and Alter Halpern (Jerusalem: 2007), vol. 1, p. 59.

<sup>23</sup> Jacob Samuel Minkin, *The Romance of Hassidism* (New York: Thomas Yoseloff, 1955), p. 336.

righteous shall walk in them while the Hassidim will stumble in them.<sup>24</sup>

### **Agudath Israel and *Daas Torah***

The concept of “confidence in our sages” became an essential feature of sections of the Torah world during the last century. Agudath Israel was established to offset the advances made by assimilationist and Reform religious movements among the Jewish masses. The Agudah united four different groups reflecting German neo-Orthodoxy, Hungarian Orthodoxy, and the Torah Jewries of Poland and Lithuania. The nascent movement began to function after its founding conference in May 1912 at Katowice in Upper Silesia. The association gradually intensified its activities after World War I. It became an assertive organization on the European, Palestinian, and American landscapes. Central to its activities was the authority, esteem, and jurisdiction extended to the Torah sages. An Agudath Israel of America publication described this basic ideal as follows:

The first and most important principle in the Agudist credo was that Torah was given by God, and that this divine gift included the entire *Oral Law* as set forth in the *Mishnah* and *Talmud*. Indeed, Maimonides’ “Thirteen Principles of Jewish Beliefs” would constitute a concise statement of Agudath Israel ideology. What is unique about Agudath Israel as an organization, however, is its reliance upon the authority of the great Torah scholars for decisions affecting all areas of Jewish life.

The Jew cannot relegate the sages to the realm of formal “religion”—giving them the authority to decide only questions of dairy spoons falling into meat pots, esoteric questions of Talmudic logic, or matters of synagogue ritual. Israel is a nation founded on Torah. It must be guided in every aspect by Torah wisdom and Torah instinct. The secular-oriented observant layman is no more qualified to decide matters of importance in Jewish life than is a patient to guide a surgeon’s hand. In Agudath Israel’s view, the rules of political science, economics, or ethnic power politics must be measured against the dictates of Torah thought, not vice-versa.

True, Agudath Israel will seldom find its orders of the day listed verbatim, chapter and verse, in one of the sacred books. But basic to its philosophy is the conviction that the Torah sages—precisely because they are immersed in and saturated with the word of God—

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<sup>24</sup> *Noda BiYebudah to Yoreh De’ab*, Responsum 93. The final sentence is an alteration of Hosea 14:10, in which the prophet declares that the “sinners will stumble in them.”

are living, breathing embodiments of the Torah attitude toward every question, no matter how mundane. This attribute is commonly known as *Daas Torah* (Torah judgment). To the vast army of Agudah adherents, *Daas Torah* is the last word.

Other movements might relegate their Torah authorities to the study hall and leave “practical” matters to its secular leaders. Agudath Israel referred all important matters to the Torah authorities and honored its lay leaders with the task of carrying out the policies defined by the *Daas Torah* of the sages.

There was clearly a need for a structured, institutionalized body of great Torah sages to make policy, decide questions and provide oversight. The Katowice conference filled this need with a new concept in Jewish life in the Diaspora. The *Moetzes Gedolei HaTorah*—Council of Torah Sages—was created—the supreme authority in all community issues; a body that has survived wars, Holocaust, and population shifts. As it was in prewar Europe—it remains the single most respected collective voice of Torah in Israel, America, and other parts of the world. It continues to be a governing board consisting of prestigious Torah leaders of the highest stature.

Within a decade of its formation, Agudath Israel was to become an organization representing millions of Jews who looked to the *Moetzes Gedolei HaTorah* for guidance not only in religious observance, but in all questions affecting the destiny of Jewry. Indeed, Agudath Israel was created only to be the executive and organizational arm of *Daas Torah*, to implement the concept that Torah is relevant in every area of Jewish concern.<sup>25</sup>

The term “*Daas Torah*” was adopted and promoted by the Agudah world.<sup>26</sup> It would subsequently even be described as a form of “*Ruah Ha-kodesh*”—divine inspiration. Rabbi Bernard Weinberger, the spiritual leader of the Young Israel of Brooklyn, wrote:

There may be many recognized Torah scholars and yet they do not attain this wide acclaim. There is some ingredient that transcends

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<sup>25</sup> *The Struggle and the Splendor* (New York: Agudath Israel of America, 1982), pp. 21-23. See also Joseph Friedenson, “A Concise History of Agudath Israel,” in *Yaakov Rosenheim Memorial Anthology: A Concise History of Agudath Israel*, biographical sketches, essays and addresses, ed. Joseph Friedenson (New York: The Orthodox Library, 1968), p. 57.

<sup>26</sup> In the Babylonian Talmud this phrase is mentioned once in a totally different context. There is a discussion whether the *gid hanasheh* prohibition applies to the sinews of both thighs or only the one on the right side (Genesis 32:33; *Hullin*, 90b). The Talmud quotes Rabbi Yehudah as declaring that “*Daas Torah*” meaning that the Torah itself indicates that the right sinew is the prohibited one.

scholarship alone or piety alone that makes one a *Godol*. Obviously, these qualities of knowledge, erudition, and piety are basic. But, over and above these there is another factor that is crucial and that is what we generally describe as “*Daas Torah*.” This involves a lot more than a Torah weltanschauung, or a Torah-saturated perspective. It assumes a special endowment or capacity to penetrate objective reality, recognize the facts as they “really” are, and apply the pertinent halachic principles. It is a form of “*Ruach Hakodesh*,” as it were, which borders if only remotely on the periphery of prophecy. Little wonder then, that many an arrogant layman or rabbi will exclaim, “what does that ‘Godol’ know about the facts or realities of the situation.” But, it is precisely in the area of sizing up the situation, predicting the consequences of any given action, and applying the Torah principle specifically germane to the situation as he, in his “prophetic” prospective, sees it, that lies inherent the unique capacity of the “Godol.” More often than not, the astute and knowledgeable community workers will see things differently and stand aghast with bewilderment at the action proposed by the “Godol.” It is at this point that one is confronted with demonstrating faith in “Gedolim” and subduing his own alleged acumen in behalf of the “Godol’s” judgment of the facts.<sup>27</sup>

The concept of “*Daas Torah*” has engendered many scholarly and popular articles.<sup>28</sup> Rabbi Yaakov Feitman, then the rabbi of the Young Israel of Beachwood, in Cleveland, Ohio, wrote:

One of the most important quests in our lives is recognizing our true leaders. Just knowing to whom to turn on the sensitive and important issues, both individually and collectively, provides a measure of tranquility when facing the vicissitudes of life. We are fortunate in that we know with certainty that in every generation there will be leaders who can be and must be followed in the same way as earlier generations were endowed with their own leaders:

“And you will come to the *Kobanim*, the *Levi'im* who will live in those days...and you shall follow and adhere to all that they teach you” (*Devarim* 17:9). In an oft-quoted passage, the Talmud asks, “Could one then consider going to the leaders of other generations?”

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<sup>27</sup> Bernard Weinberger, “The Role of the Gedolim,” *The Jewish Observer*, vol. 1, no. 2 (October 1963), p. 11.

<sup>28</sup> See the footnote in Haym Soloveitchik, “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy,” *Tradition*, 28: 4 (Summer 1994), pp. 126-127, n. 87. See also Rabbi Alfred S. Cohen, “Daat Torah,” *Journal of Halacha and Contemporary Society* (New York: Rabbi Jacob Joseph School), no. 45 (Spring 2003), pp. 67-69, nn. 1-2.

This comes to teach us, says the *Gemora*, that the leaders of every generation are the appropriate ones for that generation [*Rosh Hashbanah* 25b]. There must, therefore, be *Gedolim* in every era, and we must be loyal to their teachings. The Torah here acknowledges the natural tendency to reject one's leadership when compared with that of previous generations. Many an age and era has bemoaned the seemingly precipitous fall of its Torah leadership from former grandeur and splendor. However, what each epoch must accept and come to terms with is that it is given the guiding lights—the *Gedolim*—that it requires. The question is not one of greater or lesser, but of need. These *Gedolim* are of their era, yet are able to tap eternal wells. It is their judgments that embody the timeless word of the Torah for their time, and it is their guidance which is DAAS TORAH.<sup>29</sup>

The devotees of the doctrine of “*Daas Torah*” must seek guidelines regarding the genre of questions that should be addressed to the rabbinical doyens. Should their advice and guidance also be sought on non-halakhic issues? A present-day description of this aspect of “*Daas Torah*” declares:

It is not uncommon today for pious, sincere individuals to ask their rabbi's advice on questions from the sublime to the ridiculous, having nothing to do with either halacha or *Hasbkafa* (ideology), but of a practical and mundane character. I have personally been assured by a very sincere individual that a truly religious person will ask his rabbi what color to paint his house [], whether to purchase a new car, whether to undertake a new business venture, and the like. Others have a more circumscribed list of topics on which they feel rabbinic advice is required.<sup>30</sup>

Rabbi Shneur Zalman of Liadi, the first Lubavitcher Rebbe, among others, bemoaned the fact that his followers troubled him by seeking advice on physical matters, such as their livelihoods. He wrote:

My dear friend... “Remember the days of old, understand the years of every generation”—has there ever been anything like this since the beginning of time?! Where, in all the books of the scholars of Israel, whether the earlier or later ones, have you ever seen such a custom instituted, to ask about a secular question, such as what to

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<sup>29</sup> Yaakov Feitman, “Daas Torah: Tapping the Source of Eternal Wisdom,” *The Jewish Observer*, vol. 25, no. 4 (May 1992), p. 12.

<sup>30</sup> Cohen, “Daas Torah,” p. 70.



do in some mundane matter, even from the greatest of the early wise men of Israel, such as the *tannaim* and *amoraim*.<sup>31</sup>

Similarly, the daughter of Chief Rabbi Ovadia Yosef deplored the impositions made upon her father's time by the endless requests for temporal guidance.<sup>32</sup>

One blogger asserted that the attitude towards "*Daas Torah*" is one of the primary differences between Modern Orthodox Jews and Haredim.<sup>33</sup>

### ***Daas Torah* and the Political Sphere**

On the Israeli scene, the concept of "*Daas Torah*" becomes even more universal. It not only functions on the personal level but in the public and communal spheres as well. Since the essence of the State of Israel is to be both Jewish and democratic, there is seldom a topic which does not necessitate halakhic and hashkafic guidance. Professor Haym Soloveitchik comments on this development:

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

Political reactions are not innate. Opinions on public issues are formed by values and ways of looking at things. In other words, they are cultural. What had been lost, however, in migration was precisely a "culture." A way of life is not simply a habitual manner of conduct, but also, indeed above all, a coherent one. It encompasses the web of perceptions and values that determines the way the world is assessed and the posture one assumes towards it. Feeling now bereft, however, of its traditional culture, intuiting something akin to assim-

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<sup>31</sup> Cited by Rabbi Alfred S. Cohen, "Daat Torah," pp. 70-71. Cf. *Lessons in Tanya*, elucidated by Rabbi Yosef Wineberg (Brooklyn: Kehot Publication Society, 1996), vol. 5, p. 21. The original letter appears as Epistle Twenty-Two in the "Iggerot HaKodesh" section of the *Tanya*.

<sup>32</sup> Sheri Makover-Blikov interviewing Adina Bar-Shalom, "Avi ha-Rav Ovadia," *Sofsharua Maariv*, April 1, 2011, p. 26.

<sup>33</sup> Blog of Harry Maryles titled "Emes ve-Emunah," February 7, 2012 (<http://haemtza.blogspot.com>). He cites the statement "The Jewish religion is not one where one is meant to think for himself. We are meant to follow the great people who have done the thinking for us."

ilation in a deep, if not obvious way, the acculturated religious community has lost confidence in its own reflexes and reactions. Sensing some shift in its operative values, the enclave is no longer sure that its intuitions and judgments are—what it has aptly termed—“Torah-true.” It turns then to the only sources of authenticity, the masters of the book, and relies on *their* instincts and *their* assessments for guidance. Revealingly, it calls these assessments “*da’as Torah*”—the “Torah-view” or the “Torah-opinion.”

To be sure, shifts in power are rarely without struggle, and authority that appears, from without, as total and monolithic is only too often partial and embattled when seen from within. And *da’as Torah* is no exception. Much of the current politics in some religious organizations in America and, certainly, the rivalry between certain *haredi* parties in Israel (Agudat Yisrael and Degel Ha-Torah) reflect the clash between the old order and the new power of the *roshei yeshivah*. This, however, is never stated publicly, indeed, *can* never be stated publicly, for in the religious atmosphere that now prevails, especially among the younger generation, the primacy of *da’as Torah* is almost axiomatic.<sup>34</sup>

The Talmud also discusses the communal responsibility for the synagogue and other sacred property. This authority and power were invested in the hands of the “Seven Trustees of the Town.” These were generally acknowledged lay persons who enjoyed the backing of the public.<sup>35</sup> Many eras later, laymen also filled important positions in the “Council of the Lands.” These were the central institutions of Jewish self-government in Poland and Lithuania from the middle of the 16<sup>th</sup> until the middle of the 18<sup>th</sup> centuries. The rabbis and lay personnel each enjoyed the backing of the public. The rabbis and lay personnel each functioned within the spheres of their delineated responsibilities.<sup>36</sup>

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<sup>34</sup> Soloveitchik, “Rupture and Reconstruction,” p. 95.

<sup>35</sup> *Megillah* 26a. Cf. The commentary of the Meiri (R. Menachem ben Solomon) ad loc. regarding whether these trustees had to be formally appointed. It could be that their systematic and repeated leadership facilitated their designation as trustees. See the *Hidushei ha-Meiri to Megillah* (Zichron Yaakov: Torah Educational Center, 1977) p. 411, column B.

<sup>36</sup> For an overview of this aspect of Jewish self-government see Yisrael Halperin, *Pinkas Va’ad Arba Aruzot: Likutei Takanot, Ketavim u-Reshumot* (Jerusalem: Mosad Bialik, 1990).

## Reb Chaim Brisker and Agudath Israel

The concept of “*Daas Torah*” and its parameters came to the fore with the establishment of Agudath Israel. Rabbi Chaim Soloveichik, popularly known as Reb Chaim Brisker after the city of his rabbinate, was diffident about this concept of formalizing rabbinic authority. Reb Chaim’s standpoint was thus summarized by Rabbi Aharon Lichtenstein:

Rav Haym’s [i.e., Chaim’s] refusal, early in this century, to join—and implicitly be subordinated to—a nascent *Mo’ezet Gedolei Hatorah* is typical. Electricity having been recently introduced to Brisk, he observed that it presumably represented real progress. Yet, he noted, one could not ignore a disturbing factor. Previously, if a kerosene lamp was extinguished in one location, no other was adversely affected. Henceforth, however, if a failure were to occur at the power station, the whole of Brisk would be plunged into darkness.<sup>37</sup>

Following the conference, Reb Chaim made his joining the new organization contingent upon the acceptance of eighteen regulations that he insisted be added to the Charter.<sup>38</sup> All these eighteen stipulations have never been totally cited or made widely known. The essence of Reb Chaim’s perspective was summarized in a biography of Rabbi Dr. Joseph Breuer, the son of Rabbi Dr. Salomon Breuer and a grandson of Rabbi Samson Raphael Hirsch. The authors asserted:

R. [Salomon] Breuer’s uncompromising insistence on *Austritt* [leaving a *kehillah* which included non-Orthodox temples], led him into open conflict with R. Chaim Soloveichik of Brisk and almost jeopardized the creation of *Agudas Yisrael*....

R. Breuer viewed the nascent *Agudas Yisrael* as being an international version of the Free Union, extending help to communities in need and taking an activist role in speaking as a unified voice for observant Jews. Thus, when the idea of an international organization

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<sup>37</sup> Aharon Lichtenstein, “The Israeli Chief Rabbinate: A Current Halakhic Perspective,” *Tradition*, 26:4 (Summer 1992), p. 32. Cf. Jacob Sasson, “Hashlamot Le-Mamar: haRav Moshe haLevi Soloveichik u-Mavakov be-Moetzet Gedolei ha-Torah v-Agudat ha-Rabanim be-Polin,” *Hakirah*, vol. 26 (Spring, 2019), pp. 15-16. Also see Menachem Mendel Plato, *Sefer Ha-Mashgiab Rabenu Yeruchum* (Israel: Menachem Mendel Plato, 2020), pp. 290-292.

<sup>38</sup> Moshe Akiva Druck, ed., *Sefer ha-Kenisiyah ha-Gedolah* (Jerusalem: Agudath Israel World Organization, 1980), p. 20. Cf. Moshe Ariel Fuss, “HaRav Moshe haLevi Soloveichik u-Mavakov be-Moetzet Gedolei ha-Torah v-Agudat ha-Rabanim be-Polin,” *Hakirah*, vol. 25 (Fall 2018), pp. 15, 22-24. See also David Holzer, *The Rav Thinking Aloud: Transcripts of Personal Conversations with Rabbi Joseph B. Soloveitchik* (Miami Beach, FL: David Holzer, 2009), pp. 15-19.

of observant Jews was first raised by R. Yitzchak Halevy, he was most enthusiastic and lent his full support. In R. Breuer's view, there was only one condition that had to be met: membership could not be permitted to communities who extended even *de-facto* recognition to Reform groups. The *rabbanim* of Eastern Europe, who never faced the problems that had been posed by Reform controlled or dominated community organizations, viewed this demand as being parochial. Support was only forthcoming from the Hungarian *rabbanim* who were engaged in a similar battle with the Neologists and who had a tradition from the Chasam Sofer to reject any co-operation....

To R. Breuer, the Agudah was to be a forum wherein *rabbanim* would meet and formulate a unified stand that would obligate them all. R. Chaim had a much narrower view of the proposed organization's role and strongly resisted the suggestion that policy might be decided by majority vote. R. Chaim was also extremely wary of the *Torah im Derech Eretz* ideology taking root in Eastern Europe. He therefore sought to limit the influence of the German *rabbanim* to the minimum. In Yitzchak Halevy's correspondence with R. Chaim after the Bad Homburg Conference, we see that numerous efforts were made to placate R. Chaim's objections. Thus, a suggestion was raised that the rabbinical governing body of the proposed Agudah would be selected in a manner that would insure that there would always be a majority of Polish and Russian *rabbanim* at the expense of representatives from Germany and Hungary.

[Reb Chaim reportedly declared that no majority vote could obligate him.] I am *rav* in Brisk and no one will tell me how I have to *pasken*.<sup>39</sup>

With the onset of World War I in 1914, all arrangements for the establishment of the Agudah were interrupted. Only in 1919 were these endeavors renewed. At that point, Reb Chaim's judgments and observations were no longer on the agenda, as the Brisker Rav had passed away in 1918. Nevertheless, Reb Chaim's approach to a *mo'ezet* of sages remained fundamental to his family's Torah outlook in future generations.<sup>40</sup>

Rabbi Ahron Soloveichik, the grandson of Reb Chaim, described how his uncle "Reb Velvel" (Rabbi Yitzhak Zev Soloveichik) disputed the approach of the *Mo'ezet* of Agudath Israel. In the early years of the State of Israel, Ben Gurion proposed the conscription of all women into the Israel Defense Forces. This issue became a major source of controversy between the secular Zionist leadership and the Torah world. At that time a

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<sup>39</sup> Dr. David Kranzler and Rabbi Dovid Landesman, *Rav Breuer: His Life and His Legacy* (Jerusalem: Feldheim Publishers, 1999), pp. 85-89; p. 70, n. 14.

<sup>40</sup> *The Struggle and the Splendor*, pp. 26-27; Rakeffet-Rothkoff, *The Rav*, vol. 1, pp. 6-8.

compromise was reached that exempted religious women from this compulsory draft. Both the Mizrachi and the Agudah supported this solution. The Brisker Rav, “Reb Velvel,” remained vehemently opposed to this resolution. It now was obligatory for all the women who did not claim the religious exemption, to serve. Rabbi Ahron Soloveichik reported:

Rav Michel Feinstein told me in the name of his father-in-law, my uncle, the Brisker Rov, that he was very opposed to the conscription of women, more so than all the other *gedolim*. Because when Ben Gurion wanted to mobilize Jewish girls into the Israeli army and, of course, all the Orthodox Jews were opposed to it, but the religious parties, the Mizrachi and Agudas Israel, made a compromise with Ben Gurion. The Orthodox girls would not be mobilized. This had the blessing of the Moetzes Gedolei HaTorah and everybody. But the only one who protested against this compromise was the Brisker Rov. The Chazon Ish was already *niftar* at the time. The Brisker Rov was very strong in his protest against this compromise. One of the Moetzes Gedolei HaTorah said if they would not agree to this compromise then they would mobilize all the Yeshiva *bachurim*, and all the yeshivos in Israel would close up. The Brisker Rov was banging on the table and he said: Let them mobilize all the yeshiva students and let all the yeshivos close, but not a single Jewish girl should be mobilized into the army. And what kind of *nafkeh mina* is it, Orthodox girls or non-Orthodox girls. Whoever heard of such a distinction? he protested. One of the great Rabbonim said to the Brisker Rov: “In a *milchemes mitzvah* (battle waged in a religious cause) all go forth, even the bridegroom out of his chamber and the bride out of her bride chamber” (*Sotah* 8:7). The *lomdus* that Ben Gurion knew, everyone else knew. All the members of the Knesset from Agudas Yisrael and Mizrachi also knew this *lomdus*. The Brisker Rov said that he also knows this *din* that the bridegroom and bride go forth. First of all, the Radvaz says it doesn’t mean that the girls are mobilized. The Radvaz in one *lashon* says that it means since the *chosson* has to be mobilized in the army, *memaila*, the *kallah* has to leave the *chuppah*. But he is not talking about that. He said that a war atmosphere is very immoral...

You want to subject the Jewish girls to this demoralizing influence. On the contrary. If they would have said that Orthodox girls are not exempt and *davka* non-Orthodox girls are—of course it would be an outrage—but I could understand the logic. It is a crooked logic. But to say that Orthodox girls are exempt and non-Orthodox girls are not exempt! Who is more likely to succumb to temptation! An Orthodox or a non-Orthodox girl? Of course, a non-

Orthodox girl. So where is the logic! That is what the Brisker Rov said to the Moetzes Gedolei HaTorah. He protested vehemently.<sup>41</sup>

The Rav, a grandson of Reb Chaim, also displayed the trait of independent thinking regarding the conscription of women controversy. An eyewitness described a meeting between the Rav and two other eminent rabbinic deans. Marvin Schick described this scene:

During the fervid 1953 battle over the draft of girls into military service in Israel, Rav Aharon [Kotler] reached out to Rav Soloveitchik, hoping that he would come out publicly against Ben-Gurion's decree. There was a meeting at Rav Mendel Zaks' apartment in Manhattan. Rabbi Dov Ber Weinberger drove Rav Aharon to the meeting, and he was witness to what happened. This report, never before published, was told by him to me many years ago and was recently confirmed by him.

In line with their usual mode of address, Rav Zaks was referred to as the Radiner Rosh Yeshiva, Rav Aharon as the Kletsker Rosh Yeshiva and Rav Soloveitchik as the Bostoner Rav. After more than a half hour of futile effort to get Rav Soloveitchik to publicly oppose *giyus banos*, Rav Aharon came up with the following brilliancy, of course, in Yiddish. He said Bostoner Rav, imagine that instead of the three of us discussing this issue, there were another three who were judging the appropriateness of drafting girls into military service. Instead of the Bostoner Rav, there was your *zeyde*, Reb Chaim. Instead of the Radiner Rosh Yeshiva, there was his father-in-law, the Chafetz Chaim. Instead of me, there was my father-in-law, Rav Iser Zalman Meltzer. Bostoner Rav, what would your *zeyde* have said? This masterstroke did not result in a shift in Rav Soloveitchik's position. He got up and said that he had to leave, "Kletsker Rosh Yeshiva and Radiner Rosh Yeshiva, a *guten tag*" and left. He never opposed *giyus banos* or, for that matter, never publicly opposed the Mizrachi on any major *hashkafic* issue.<sup>42</sup>

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<sup>41</sup> *Sefer Yeled Sha'asbuim*, vol. 1, pp. 348-350. This book is part of a set of two volumes dedicated to the life, teachings, and viewpoints of Rabbi Ahron Soloveichik. It was printed without identifying the author, city, and year of publication. I surmise that the author is Rabbi Yosef Soloveichik, the son of Reb Ahron.

<sup>42</sup> Blog of Marvin Schick, "Remembrances and Reflections VIII—Rav Aharon and the Rav," April 15, 2012, <http://mschick.blogspot.com/2012/04/remembrances-and-reflections-viii-rav.html>, accessed June 13, 2022. The Rav was not in favor of drafting women, but rather was opposed to public criticism against Israel. Cf. *Community, Covenant and Commitment: Selected Letters and Communications of Rabbi Joseph B. Soloveitchik*, ed. Nathaniel Helfgot (Jersey City, NJ: Ktav Publishing House, 2005), p. 149.

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### **The Shanghai Saga and *Daas Torah***

The efficacy of “*Daas Torah*” became central to memorable decisions that had to be formulated during the early years of World War II. In retrospect, a substantial portion of the successful regeneration of the Torah world after the Holocaust was a direct result of the options that were chosen at that time. With the constant increase of anti-Semitism across Europe following the Nazi rise to power, many Jews felt it was a temporary state of affairs. The Jewish people had endured painful times throughout their history. Eventually this situation would improve.<sup>43</sup> Even as the clouds darkened ever so quickly and intensely, scholars and leaders still felt it was all transitory.<sup>44</sup>

Benjamin Minz, a political activist of the Po‘alei Agudat Israel movement, was born in Lodz, Poland. After his Aliyah in 1925, Minz became a prominent media person and journalist. In 1939, his wife and children returned to Poland to visit family. After initial Nazi success, Minz wrote to his wife on March 20, 1939:

The pain is great. It is wise to remain silent. Strong nerves are required for this stretch of time since the anxiety is intense. Nevertheless, the perception is that there will be no war. The situation will quiet down. Too many leaders are petrified by the thought of hostil-

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<sup>43</sup> Moshe Ahrend, *Shivim Panim la-Torah* (Jerusalem: 2020), p. 625.

<sup>44</sup> Rabbi Henoah Fishman (1913-1965) was a Shanghai survivor who reached the United States after the War. He was my eighth grade *rebbe* in Yeshiva Rabbi Israel Salanter in the Bronx. He also resided not far from my home and was a prime influence on my spiritual growth. He introduced me to the Shanghai miracle of survival and its theological and memorable points of discussion. Reb Henoah also explained to me how the initial impression was that this persecution shall ultimately pass. Jews will suffer but the community would survive. Few could envision the depth of the tragedy that was evolving. Reb Henoah had studied in Baranowitz, Mir, and Brisk. For details of his life and some of his Torah insights, see *Hidushei Rebbe Hanokh Henakh* (Lakewood: vol. 1, 2008; vol. 2, 2010). Cf. Aaron Rakeffet-Rothkoff, *From Washington Avenue to Washington Street* (Jerusalem: Gefen Publishing House and OU Press, 2011), pp. 29-31, 37, 45.

ities. Even the evil one [Hitler] is frightened. Once he will comprehend the preparations [for defense] being made in Poland, perhaps he too will turn back.<sup>45</sup>

Later that year, Rabbi Aharon Kotler expressed similar sentiments in a letter to his student, Rabbi Gedaliah Schorr. The latter was born in Galicia in 1910 and arrived in the United States when he was twelve years old. Educated at Yeshiva Torah Vodaath, he made the acquaintance of Rabbi Aharon Kotler during his 1935 American visit. In 1938, Rabbi Schorr married Shifra Isbee from Detroit. The young couple soon left for Europe so that he could study under Rabbi Aharon in Kletsk. Just ten months after the Schorrs had arrived in Poland, the American consulate warned Reb Gedaliah and his wife to immediately return to America as the Nazi invasion was imminent. Reb Aharon soon penned a letter to the young couple urging them to remain in Kletsk. Rabbi Kotler was confident that there would be no war. However, the Schorrs were already on board the ship by the time Reb Aharon's response arrived.<sup>46</sup>

The East European yeshivot soon confronted a quandary of survival as they were ensnared between Communist domination and Nazi annihilation. The yeshivot had previously sought refuge in Lithuania, which was then independent. The rabbi of Vilna, Rabbi Chaim Ozer Grodzenski, was a lodestar for the yeshiva students. He was the last in the immortal line of Vilna's preeminent rabbinical leaders. Hundreds of Polish yeshiva students and rabbis fled to Vilna to escape the Nazis. Reb Chaim Ozer labored feverishly to sustain them. He was in constant contact with the Vaad Hatzalah and its founder Rabbi Eliezer Silver. He had studied with Rabbi Grodzenski and had become a national rabbinic figure in the United States. Rabbi Silver's rabbinate was in Cincinnati, and he was the

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<sup>45</sup> Chaim Shalem, "Ra'inu Sheyeshnom Od Anashim she-Lev Yehudi Lahem: Bin-yamin Minz ve-Yahasu le-Shoah vele-Hazalah 1939-1946," in *Shoah me-Merhak Torah*, ed. Dina Porat (Jerusalem: Yad Yitshak Ben-Tsevi, 2009), p. 183.

<sup>46</sup> In 1962, I started teaching at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University. With me at the Yeshiva was Rabbi Louis Isbee, the brother-in-law of Reb Gedaliah. Rabbi Isbee previously taught at Mesifra Torah Vodaath. We had many conversations about the history and viewpoints of these two institutions. He revealed to me the saga of his sister and her husband. Rabbi Isbee expressed relief that Rabbi Kotler's letter reached them after they could not turn back to Kletsk. Cf. Rabbi Yair Hoffman, "Rav Aharon Kotler, Part 3," *Five Towns Jewish Times*, November 12, 2015, [www.5tjt.com](http://www.5tjt.com). Accessed March 23, 2022. See also *Yeshiva and Mesifra Torah Vodaath America's Yeshiva 1919-2019* (Brooklyn: Yeshiva Torah Vodaath, 2019), pp. 394-395.



head of the *Agudat Harabanim*. Together they galvanized international Jewish support for the Vilna refugees. While these initial salvation attempts met with some success, conditions were worsening in Europe.

On June 15, 1940, Lithuania was occupied by the Soviet army and its independence ended. The yeshivot which sought refuge in the Vilna area suddenly found themselves under Communist dominion. The yeshivot were soon exposed to anti-religious mania. It was now generally realized that the schools had no future even in Vilna.<sup>47</sup> The yeshiva students faced the dilemma of how to escape Communist control and continue their flight from the Nazis. The point at issue now was where to seek rescue. The gateways to the Land of Israel and the American continent were closed to the would-be escapees.

Unexpectedly a novel, yet strange, avenue of escape came forward. It centered around Curaçao, an island in the Caribbean, off the coast of Venezuela, which was a Dutch colony. No visa was necessary for the entry of foreigners into Dutch territory in America. L.P.J. de Decker, the Dutch ambassador to the three Baltic States, authorized the inclusion in the passports of the emigrants that no visa to Curaçao was necessary. The actual text read, “The Dutch consulate hereby certifies that no visa is necessary for the entry of foreigners to Surinam, Curaçao, and other Dutch possessions in America.” Soon many refugees turned to the consul for a similar stamp in their passports. It was a race against the clock since the new Soviet authorities ordered the consulate to cease operations by the end of August 1940. It was now necessary to select an exit route and attain the appropriate transit visas.

The only possible means of reaching Curaçao in the summer of 1940 had to be via the Far East since nearly all of Western Europe was occupied by the Nazis. The path of escape would be across the Soviet Union and through Japan. Japanese transit visas would now have to be acquired on the basis of the Curaçao destination. To obtain these Japanese visas, they approached Sempo Sugihara, the Japanese consul in Kovno. This unique humanitarian was intensely agonized by the plight of the Jewish refugees. He began issuing Japanese transport visas to all who requested them, whether or not they possessed the Curaçao visas. Even after receiving an urgent cable from the Japanese Foreign Ministry to discontinue granting

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<sup>47</sup> For Rabbi Grodzenski’s biography, see Rakeffet-Rothkoff, *Rakafot Abaron*, vol. 1, pp. 13-22. For details of his period in Vilna, see Aaron Rakeffet-Rothkoff, *The Silver Era: Rabbi Eliezer Silver and His Generation*, 4<sup>th</sup> ed. (New York: OU Press, 2014), pp. 186-207; and Bernard Revel: *Builder of American Jewish Orthodoxy*, 4<sup>th</sup> ed. (New York: OU Press, 2014), p. 218.

these visas, Sugihara continued to distribute them. He charged each applicant only two litas (approximately 33 cents) per visa. Sugihara continued issuing transit visas even from the railway car in which he departed from Lithuania on August 31, 1940.

Once the Dutch passport addendums and the Japanese transport visas were obtained, the major remaining impediment was securing Soviet exit permits. This now became a perplexing quandary for the refugees. Any attempt to leave the Soviet Union could be interpreted by the authorities as a treacherous act. Special Soviet immigration offices were opened in the facilities of the NKVD, the secret police of the Soviet Union. The refugees were therefore all the more apprehensive that they could be exiled to Siberia. Many chose not to go further and kept away from the NKVD. Some decided to continue the process and succeeded in attaining the Soviet exit permits.

This decision was particularly problematic and troublesome for the yeshiva students. Many of their spiritual mentors were opposed to publicly declaring their desire to depart from the Soviet Union. Above all other considerations was the fact that Rabbi Chaim Ozer Grodzenski, the doyen of the Lithuanian yeshiva world, disapproved. In the midst of this quandary, Reb Chaim Ozer passed away on August 9, 1940 (5 Av, 5700). Upon his demise, many felt it was a harbinger of a desolate future. One had to leave the greater Vilna area despite the possible pitfalls and uncertainties. There simply was no other choice if they aspired to survive the Nazis and the Communists.<sup>48</sup>

This dilemma was most fully described in a memoir by Rabbi Pinchas Hirschprung. A graduate of the Chachmei Lublin Yeshiva, he reached Vilna accompanied by younger students of this school. This institution was unique as it was Hasidic in outlook and deportment. The young Rabbi Hirschprung already had a sterling reputation as he knew all 2,200 folio

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<sup>48</sup> Related to the author by Rabbi Henschel Fishman during the school year of 1950-1951. For details on this difficult decision see Zorach Warhaftig, *Palit ve-Sarid Bi-yeme ha-Shoah* (Jerusalem: Yad Vashem, 1984), pp. 100-154; Yechezkel Leitner, *Mivtsa Hatsalat ha-Torah min ha-Sho'ah* (Jerusalem, 1990), pp. 55-77; and Shimon Finkelman, *Reb Chaim Ozer: The Life and Ideals of Rabbi Chaim Ozer Grodzenski of Vilna* (Brooklyn: Mesorah Publications, 1987), pp. 253-255. For details on Sempo Sugihara and this period, see Hillel Levine, *In Search of Sugihara* (New York: The Free Press, 1996); David Kranzler, *Japanese, Nazis and Jews* (New York: Yeshiva University Press, 1976), pp. 310-312; Avrohom Birnbaum, *A Blazing Light in the Darkness: Rabbi Avrohom Kalmanowitz* (New York: Mesorah Publications, 2019), pp. 131-162; and Amos Bunim, *A Fire in His Soul*, pp. 76-94.

pages of the Talmud by heart. They were now caught up in making a decision regarding leaving Vilna for the long journey to Japan. The Chachmei Lublin Yeshiva students decided to visit Reb Chaim Ozer and seek his guidance. Rabbi Hirschsprung later described the events of this period:

The *gaon* Rabbi Chaim Ozer was unrecognizable. In a matter of days, he had aged years. His hair had turned from grey to white overnight. The sparkle of life in his eyes had been extinguished, and his voice was markedly weaker. He sat in his chair absorbed in thought without uttering a word. His secretary explained to me that the *gaon* had been shaken to the core by the arrival of the Reds and was consumed by worry that the invaders would—God forbid—shut down the yeshivas. When I asked the secretary whether it would be appropriate for us to trouble the *gaon* with questions at a time when he was not in a healthy state, the secretary answered that, on the contrary, because the *gaon* was so depressed, a conversation would be a good distraction for him.

Quietly, we approached the *gaon*. He got up from his chair, then sat back down again. We told the *gaon* the news about the visas being offered by the Dutch consul, but he merely shrugged his shoulders, sighed, and said, “I myself wouldn’t mind accepting a visa from God in order to remain on this earth a few more years.” A few tears rolled down his pallid cheeks from his tired eyes. A deadly silence filled the room. At that moment, I remembered the death of the *gaon* Rabbi Meir Shapira, and my eyes welled up with tears. With all the strength I could muster, I tried to keep my emotions in check. I assured the *gaon* that the merit of the Torah would protect him and—God willing—he would have many more years, to which everyone replied, “Amen!” The *gaon*’s face lit up, radiating wisdom, understanding, and holy knowledge.

Once again I asked him if it would be worth obtaining the Dutch visas. The *gaon* thought for a while and then said, “It is written ‘*Shev v’al taseh adif*’” (*Erwin* 100a). The literal meaning of these words is “it is preferable to sit and do nothing.” There are times when inaction is preferable to action. Again, he was silent for a while until he finally said, “If it is your destiny to emigrate, you will also be able to emigrate from Vilna.” He reiterated his belief that he would still be able—God willing—to obtain visas for Eretz Yisroel or America. Once you have the visas in your hands, the Soviets will certainly allow you to leave....

We said goodbye to the *gaon* and left his house. As soon as we stepped outside, we began to have doubts about the visas. My student, the young Hasid, with his characteristic disdain for the great

*misnagdim*, counselled, “Precisely because the *gaon* is against obtaining these visas we should get them.” Of course, we did not agree with him. We walked around the city, trying to find out more details about the value of such visas. The majority of the refugees were skeptical. They joked about the visa, calling it an *asher yotzer papir*, a piece of toilet paper, a play on the Hebrew words for “exit paper.” Others were of the opinion that “Who knows? Perhaps it would be worth getting such visas.”

When we went to the synagogue to ask the advice of a few heads of yeshivas, they told us that the city’s Jewish lay leadership was opposed to accepting transit visas from a country that was not on very friendly terms with the Soviets because it could incur the wrath of the Reds. Our Hasid again began arguing passionately that the opposition of the *misnagdim* to the transit visas was a “sign from Heaven” that we should snatch them up. We held a meeting at our yeshiva where it was unanimously decided that although the visas were questionable, nonetheless, out of an abundance of caution, it was worth obtaining them.

Rabbi Hirschprung succeeded in raising the necessary funds and in obtaining the visas in Kovna. In his *Memoir*, he described his return to Vilna:

When I returned to Vilna with all the visas, I found a city in mourning. The *gaon* Rabbi Chaim Ozer had passed away. Jews from the countryside had hurried to Vilna to attend the funeral of Judaism’s greatest personality of our generation. All Jewish businesses were closed. Not only were Orthodox Jews grieving for Rabbi Chaim Ozer, but so were the so-called radical intelligentsia, as well as ordinary Jews. Countless telegraphs arrived from abroad with expressions of sympathy.

Rabbi Chaim Ozer had died in the sorrowful month of Av (August 1940), the month during which Jews mourn the destruction of the Temple in Jerusalem. His death took a heavy toll on the more than one thousand yeshiva students who found themselves in Vilna at the time. They had lost a treasure, a spiritual mentor, a person with great compassion who cared not only for their spiritual well-being but also for their material well-being. These yeshiva boys felt like orphans. In response to their great and irreplaceable loss, they sat down as a group to study Mishnah.<sup>49</sup>

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<sup>49</sup> Rabbi Pinchas Hirschprung, *The Vale of Tears*, trans. from Yiddish by Vivian Felsen (Canada: The Azrieli Foundation, 2016), pp. 245-259. For details on Yeshivat Chachmei Lublin, see David Slavin, *Successful Innovation to Preserve Tradition: The Educational Contribution of Rabbi Meir Shapiro* (unpublished Ph.D. dissertation, University of Sydney, 2012).

The exodus soon began as the doubts dissipated. The initial group of refugees who succeeded in acquiring all the necessary documents started leaving Lithuania in September 1940. They traveled by train from Minsk to Moscow. From Moscow, they journeyed on the Trans-Siberian railroad to the Soviet Pacific port of Vladivostok. From there they sailed to the Japanese port of Tsuruga. Most of the Polish refugees departed from Lithuania during the months of January and February 1941. The Yeshiva Chachmei Lublin group left in mid-March in 1941.

Once in Japan, the refugees were aided by representatives of the local Jewish communities. The evacuees were settled in Kobe, Japan's second-largest port. The local Kobe community included about fifty Jewish families, divided almost evenly between Sephardim and Russian Ashkenazim. The local Jewish community and even the Japanese people extended a warm welcome to the more than forty-six hundred refugees who now swelled the ranks of the heretofore small tranquil Jewish community.

However, the new arrivals only possessed the Japanese transit visas, which were normally valid for just seven to fifteen days. Some were able to reach their final destination in the Western Hemisphere or Australia before the outbreak of the Pacific War. However, most of the Polish refugees had no visas to other countries. Their resettlement now became the prime dilemma for the greater Kobe Jewish community. While methods were devised to extend the visas, the Nazi pressure on their Japanese allies to spread the Nazi doctrines intensified. The refugees now lived with a constant fear of denial of their visa extension, which intensified their already existing sense of insecurity.

At a meeting of rescue activists in Kobe on February 19, 1941, the consensus was that the International Settlement of the nearby port of Shanghai should be utilized as the temporary transit station instead of Japan. Shanghai was not only geographically close, but it was also a location to which Jewish refugees could still gain entry. The International Settlement of the city was governed by a municipal council comprised of the delegates of the foreign powers that then possessed extraterritorial rights in Shanghai. Approximately eleven hundred Polish refugees were transferred to Shanghai in the fall of 1941 after their prolonged Japanese residence. Among the evacuees were more than four hundred rabbis, yeshiva students, and family members. Among these, the main component was the Mir Yeshiva, which soon found a home in the Beth Aharon Synagogue on Museum Road. This synagogue had been built in the 1920s as a second house of worship for the Sephardic community. It was not fully utilized until the moment that the Mir Yeshiva established its activities in Shanghai. For close to five years this synagogue would resound with the voice of Torah study. While the conflagrations of war and destruction raged

throughout the world, the Mirrer students intensified their studies and spiritual advancement. The tribulations of the outside were downplayed, and the inside of the Shanghai synagogue was permeated with the spirit of Lithuanian Torah learning and piety.<sup>50</sup>

Rabbi Pinchas Hirschprung was among the fortunate individuals who were able to immigrate to Canada soon after their arrival in Shanghai.<sup>51</sup> Those who remained behind established educational structures, which endured despite the uncertainties and disturbances of the period. The Mir Yeshiva became the pacesetter in adjusting to the Shanghai reality while continuing the ambience of its origins. The Yeshiva was led by two individuals who would later fill prominent positions in the Torah world. Rabbi Chaim Shmulevitz was the *rosh ha-yeshiva*, while Rabbi Chatzkel Levenstein served as the *Mashgiab*.<sup>52</sup>

With the cessation of hostilities and the conclusion of the war, the Yeshiva students confronted the vexing decision of where to emigrate. A basic core chose to join the emerging State of Israel, while others moved to the United States and Canada. The Mirrer disciples successfully reorganized branches of the Mir Yeshiva in Jerusalem and Brooklyn. Many became teachers in the Jewish day school movement that was then expanding across America.

A Mir student later published a memoir of this period. He records a fascinating exchange between Reb Chatzkel and his pupils. When they finally reached Japan, they looked back and recollected the *Mashgiab's* initial negative attitude towards escaping via Curaçao and the Sugihara visas. They finally recriminated the *Mashgiab*. They declared that had they listened to him they would never have left Soviet dominion. Reb Chatzkel Levenstein responded to their critique with a classic Lithuanian Torah approach. He declared:

If someone did something in a devious fashion and succeeded, the crooked does not become proper. That which is devious remains questionable. However when it is the Almighty's will even a crooked approach will succeed. It is a fact that even Maran Reb Chaim Ozer

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<sup>50</sup> Rakeffet-Rothkoff, *From Washington Avenue to Washington Street*, pp. 27-29.

<sup>51</sup> Hirschprung, *The Vale of Tears*, p. 257.

<sup>52</sup> For details of these individuals and the period, see Rabbi Yitzchak Kasnett, *Reb Chatzkel: Rabbi Yechezkel Levenstein, Guardian of Torah and Mussar* (Brooklyn: Mesorah Publications, 2007), pp. 113-265; Birnbaum, *A Blazing Light in the Darkness*, pp. 131-162; and Ephraim Zuroff, *The Response of Orthodox Jewry in the United States to the Holocaust: The Activities of the Vaad ha-Hatzala Rescue Committee, 1939-1945* (Hoboken, NJ: Ktav Publishing House, 2000), pp. 94-218.

Grodzenski was not pleased with the attempts to leave areas conquered by the Soviets.... To request of the Communists permission to leave Russia was truly placing one's life in dire danger. Therefore, even when the distorted procedure is successful, it does not become the norm. Only if it is the counsel of the Lord, only then it will prevail (Proverbs 19:21).<sup>53</sup>

Over the decades of my teaching, I evolved a concise answer to this question. When the Almighty declares that He will conceal His face (*"Hester Panim"*), it is hidden both from the wise and the ordinary people (Deuteronomy 31:17-18). It is therefore quite understandable how the leading rabbis could not correctly comprehend the total situation at a moment of *Hester Panim*. This does not in any way minimize their greatness. It is simply a reality of human frailty.<sup>54</sup>

Rabbi Zelig Epstein, a prominent Mir Yeshiva student, reached Canada during the early stages of the war. There he married a granddaughter of Rabbi Shimon Shkop, the late head of Yeshiva Sha'ar HaTorah in Grodno. The wedding took place at the home of Rabbi Yaakov Kamenetsky, who was living in Toronto at the time. Rabbi Epstein would later teach at Mesivta Torah Vodaath, and afterwards established Yeshiva Shaar Ha-Torah of Grodno in Queens. A fascinating conversation was recorded between Reb Zelig and his students regarding the Mir Yeshiva and the getaway to Japan. It was related by an onlooker:

A number of years ago Reb Zelig Epstein, ז"ל, Rosh Yeshiva of Yeshiva Shaar Ha-Torah, was relating to a group of his students the story of how the Mir Yeshiva escaped from Vilna to Shanghai. At the time, Vilna was under the control of the Russians, and the Russians did not look favorably on anyone who wanted to leave the Communist "paradise." In particular, the *Hanhala* of the Mir and also of other yeshivas were opposed to the idea of leaving Vilna fearing that the Russians would arrest anyone who tried to leave. However, a number of the Mirrer *baburim* felt it was imperative for the yeshiva to leave Lithuania and refused to listen to the *Hanhala*. In fact, one of the top *baburim* in the Mir at this time, Aryeh Leib Malin, said, "I

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<sup>53</sup> Shalom Tzvi ha-Cohein Shapiro, "Yeshivat Mir be-Galut Shanghai," *Beis Ya'akov Magazine*, nos. 170-171 (Adar-Nisan 1974), p. 5, cited by Warhaftig, *Palit ve-Sarid bi-Yeme ha-Shoah*, p. 154.

<sup>54</sup> For an analysis of "*Hester Panim*," see Norman Lamm, "The Face of God: Thoughts on the Holocaust," in *Theological and Halakhic Reflections on the Holocaust*, ed. Bernard Rosenberg and Fred Heumann (New York: Rabbinical Council of America, 1992), pp. 126-133.

will get a gun and shoot anyone who tries to stop us from leaving.” I had this statement verified for me by Reb Zalman Alpert, who served for many years as a librarian at YU and heard [the same] from two old former Mirrer yeshiva students. When one of the *bochrim* heard this, he immediately asked, “But what about *Daas Torah*?” Reb Zelig replied, “This was before *Daas Torah* was invented!”<sup>55</sup>

It is also related that Rabbi Joseph B. Soloveitchik recounted that only in America did he encounter the term “*Daas Torah*.” This concept was never promoted in pre-war Europe.<sup>56</sup>

Rabbi Yehuda Amital was a Romanian-born Holocaust survivor. After being liberated by the Soviet Army, he reached Palestine at the end of 1944. After the Six-Day War, he founded Yeshivat Har Etzion, a Hesder Yeshiva in Gush Etzion. In 1971, Rabbi Amital asked Rabbi Aharon Lichtenstein to join him as co-rosh yeshiva. Under their leadership, the Yeshiva evolved into one of the principal Israeli Torah institutions. Rabbi Amital related to his students that in his youth he never heard the concept of “*Daas Torah*.” Halakhic questions must be directed to Torah sages. However political, medical, or security issues should not be consigned to rabbis. They are not the experts in these spheres of knowledge and life experience.<sup>57</sup>

### ***Daas Torah* on the American Scene**

The concept of “*Daas Torah*” was later to become an academic controversial issue on the American scene. Rabbi Simcha Elberg, born in Poland, studied with Rabbis Natan Spigelglas and Menachem Ziemba in Warsaw. He succeeded in reaching Japan and then Shanghai, along with the Mir

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<sup>55</sup> Professor Yitzchok Levine. Comment on: Yitzchok Adlerstein, “After Beit Shemesh: What Has Changed, What Hasn’t, and What Shouldn’t,” *Cross-Currents*, November 12, 2018. Comment posted on November 13, 2018. <https://cross-currents.com/2018/11/12/after-beit-shemesh-what-has-changed-what-hasnt-and-what-shouldnt/> Accessed March 29, 2022. For the biography of Rabbi Shimon Shkop, see Rakeffet-Rothkoff, *Rakafot Abaron*, vol. 1, pp. 7-12. For details on Rabbi Zelig Epstein, see *Yeshiva and Mesivta Torah Vodaath: America’s Yeshiva: 1919-2019*, pp. 430-435.

<sup>56</sup> Hershel Schachter, *Divrei HaRav: Maran HaRav Joseph Dov ha-Levi Soloveitchik* (Jerusalem: Masorah, 2010), p. 237.

<sup>57</sup> Elyashiv Reichner, “Lo Razah Amitalim Ketanim,” “Shabbat” section of *Mekor Ribon*, July 17, 2020, p. 4. See also his *Be-emunato: Sipuro shel ha-Rav Yehuda Amital* (Tel Aviv: Yedioth Ahronoth, 2008), p. 108. Regarding the authority of rabbinical sages on non-halakhic issues, Rabbi Joseph B. Soloveitchik’s position was similar to that of Rabbi Amital. Cf. Rakeffet-Rothkoff, *Rakafot Abaron*, vol. 4, p. 236.



Yeshiva. In 1947, he arrived in New York, where he functioned as the editor of *HaPardes*, a rabbinic journal. He also served as chairman of the executive board of the Union of Orthodox Rabbis for twenty-five years and was likewise a member of the executive committee of Agudath Israel of America. Rabbi Elberg published several volumes dedicated to Talmudic novellae. In 1969, he published a memoir of the Warsaw he knew before the Holocaust, *Varsha shel Ma'lab*. The English title is *Warsaw on High: Chapters in a Wondrous Tapestry of Events Woven Before the Holocaust in Poland's Capital City*.<sup>58</sup>

Towards the conclusion of the volume, the author brings up the question of responsibility for the Holocaust. Without any hesitancy, Rabbi Elberg declared the Jewish people and their official leaders to be at least partially responsible for the Nazi aggression. He criticized their countermanning the classic Jewish communal approach of *shtadlanut*. This tradition called upon the Jewish leaders to combine the roles of diplomat, advocate, and intercessor in their relationships with the gentile world and culture. The role model for the Jewish people should be the Patriarch Jacob. He prepared for the confrontation with Esau in three different ways. His first act was to send a lavish tribute to appease Esau's anger. Only afterwards did he prepare for a possible physical battle. Finally, he prayed to the Almighty: Rescue me, please, from the hands of my brother, from Esau, for I fear him lest he come and strike me down, mother and children.<sup>59</sup> Instead of emulating the actions of the Biblical Jacob, our Jewish leaders in the 1930s sought to confront Hitler and to boycott Germany.<sup>60</sup> All that was accomplished was to intensify the hatred towards the Jewish nation.

Rabbi Elberg wrote:

Why did we not utilize the traditional Jewish approach which guided us during every period of suffering and suppression? Time and again such behavior averted many evil decrees. Perhaps if we had availed ourselves of this age-old method, we could have saved incalculable Jewish lives. How should we act in our association with even the greatest of our enemies? Should we organize boycotts and call for public demonstrations against them? What were the methods that

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<sup>58</sup> The volume was written in modern Israeli Hebrew and published by Netzach, Bnei Brak, Israel, 1969.

<sup>59</sup> Genesis 32:12. See also Chapter 32:4-33, and the commentary of Rashi to 32:9.

<sup>60</sup> For a similar controversy between the American Agudath Israel and the Joint Boycott Council, see Aaron Rakeffet-Rothkoff, *The Silver Era*, pp. 172-174.

our leaders resorted to whenever there was grave physical danger facing the Jewish people?

Our Holy Torah clearly guides us as to the most beneficial response under such circumstances. The Torah's strategy is: buy off, compensation, prayer, and hostilities only as a final option. At first, we must attempt to reach an understanding through tributes, bribery, and atonement-payments.<sup>61</sup> Such actions are humane and even honorable if they can appease a murderous enemy. Only if such an approach does not engender positive results will the option of combat be permissible. Warfare is only the final option for us....

Unfortunately, we did not utilize these proven and confirmed courses of action when Hitler came to power. After all, we are now modern people, the children of European culture. It is not appropriate for us to utilize outmoded methods, which are considered immoral in the modern world. We believe we have become preeminent statesmen and that we possess the wisdom of political executives. Under such circumstances, how can we continue the archaic practice of *shtadlanut*.<sup>62</sup>

Rabbi Elberg's point of view did not engender extensive comment and controversy. This presumably was a result of it being published in Hebrew and in Bnei Brak. On the other hand, an article on this topic was to appear eight years later. This exposition generated a scholarly discussion of ideas that continued for decades. *The Jewish Observer* was a monthly publication of the Agudath Israel of America. The cover of the October 1977 issue declared:

“Holocaust”—a leading Rosh Yeshiva examines the term and the tragic epoch it is meant to denote, offering the penetrating insights of a *Daas Torah* perspective on an era usually clouded with emotion and misconception.

The “leading Rosh Yeshiva” was Rabbi Yitzchok Hutner, the long-time dean of Yeshiva Rabbi Chaim Berlin, the oldest such institution in Brooklyn.<sup>63</sup>

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<sup>61</sup> For the Biblical concept of atonement, payment see Exodus 21:30.

<sup>62</sup> Simcha Elberg. *Varsba shel ma'lab: perakim mi-masekhet pela'im she-nirkemah betokbekhe birat Polin lifene ha-Sbo'ab*, Bnei Brak: Netzah, 1969, pp. 320-321.

<sup>63</sup> It opened as an elementary school in 1906 in the Brownsville section. Rabbi Hutner's relationship with the Yeshiva was described by William Helmreich, a professor of sociology and Judaic studies at CUNY. “It was not until 1939, though, that it became an advanced yeshiva. In that year, one of the most brilliant and dynamic figures ever to head an American yeshiva was appointed as its

Professor William Helmreich described Rabbi Hutner's life and his relationship with his students and the Yeshiva's benefactors.

Born in 1907, Rabbi Hutner studied in the Slabodka Yeshiva and later on in Hebron, Palestine. In 1929, he returned to Europe and studied at the University of Berlin, an unusual move for a man steeped in the Lithuanian Talmudic tradition. He arrived in America in 1935, [subsequently] accepting an invitation to head Chaim Berlin.

From the start, Rabbi Hutner established an extremely close relationship with his students. Most of them were American-born or -raised, and often their exposure to him was their first contact with a European-trained scholar of high stature.... Perhaps no other yeshiva was so completely dominated by one individual.<sup>64</sup>

In *The Jewish Observer* article, the Rosh Yeshiva analyzed the historic interaction between the Jews and the gentile world. Rabbi Hutner detailed the various patterns of antisemitism and the “great evils and troubles” that will befall the Jewish nation (Deuteronomy 31:21). Ultimately, these hardships and afflictions will inspire the Jewish people to repent, as they comprehend the unreliability of the gentile nations. Rabbi Hutner declared:

This stage of *teshuva* will come about as a direct result of the “great evils and troubles” which—as we interpreted according to Unkelos—come upon them because of their trust in the nations. The effect of the great calamities of those days, far from being a punishment for wrongdoing, will be to correct the previously misplaced trust and prepare the way for true *teshuva*. As we have seen, the “great evils and troubles” did indeed come upon us from those very gentile nations who had gained our confidence and trust.... Thus, there is revealed to us both the chronology and the impetus for the *teshuva* of *Acharis HaYamim* (the End of Days). The very first step will be reached by *Klal Yisroel* through their repudiation of their earlier infatuations with gentile ways. In our terms, this is when the Jewish people moves toward repentance because of disappointment in the gentiles. This can only come about through promises rescinded, rights revoked, and anticipations aborted. The pain and anguish at the time of these shattered illusions is all too real and tragic; yet the

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*rosh yeshiva*. To the extent that successful movements often have great leadership, Rabbi Hutner exemplified this requirement...” William Helmreich, *The World of the Yeshiva: An Intimate Portrait of Orthodox Jewry* (New York: The Free Press, 1982), p. 34. See *City by City: Planting Chinuch Across America: The Torah Umesorah Story* (Brooklyn, New York: Torah Umesorah, 2019), pp. 338-361.

<sup>64</sup> Helmreich, *The World of the Yeshiva*, pp. 34-35.

events themselves serve to bring us to the recognition that “it is because my God has not been in my midst that these evils have befallen me.”<sup>65</sup>

In his analysis, the Rosh Yeshiva also scrutinizes the events that led to the Holocaust. He alleges that the Zionist Movement was also partially responsible for this tragedy, as they incited Arab opposition and antagonism towards the Jewish people. Rabbi Hutner wrote:

Before we explore the ... new directions in detail, it is important to establish a clear distinction between any common approach to world events and *Daas Torah*—a Torah view of the world. “Public opinion” and any but the Torah approach is by definition colored by outside forces, subjective considerations and the falsehood of secular perspective.

Sadly, even in our own circles, the mold for shaping public opinion lies in the hands of the State of Israel. An appropriate example of this dangerous process of selectively “rewriting” history may be found in the extraordinary purging from the public record of all evidence of the culpability of the forerunners of the State in the tragedy of European Jewry, and the substitution in its place of factors inconsequential to the calamity which ultimately occurred.

To cover its own contribution to the final catastrophic events, those of the State in a position to influence public opinion circulated the notorious canard that *Gedolei Yisrael* were responsible for the destruction of many communities because they did not urge immigration. This charge is, of course, a gross distortion of the truth, and need not be granted more dignity than it deserves by issuing a formal refutation. However, at the same time as the State made certain to include this charge as historical fact in every account of the war years, it successfully sought to omit any mention of its own contribution to the impending tragedy....

It should be manifest, however, that until the great public pressures for the establishment of a Jewish State, the Mufti had no interest in the Jews of Warsaw, Budapest, or Vilna. Once the Jews of Europe became a threat to the Mufti because of their imminent influx into the Holy Land, the Mufti in turn became for them the מלאך המות—the incarnation of the Angel of Death. Years ago, it was still easy to find old residents of Yerushalayim who remembered the cordial relations they had maintained with the Mufti in the years before the impending creation of a Jewish State. Once the looming reality

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<sup>65</sup> Deuteronomy 31:17; R. Yitzchak Hutner, “‘Holocaust’—A Study of the Term and the Epoch it is Meant to Describe,” *The Jewish Observer*, vol. 12, no. 8 (October 1977), p. 6.

of the State of Israel was before him, the Mufti spared no effort at influencing Hitler to murder as many Jews as possible in the shortest amount of time. This shameful episode, where the founders and early leaders of the State were clearly a factor in the destruction of many Jews, has been completely suppressed and expunged from the record. Thus it is that our children who study the history of that turbulent era are taught that *Gedolei Yisroel* share responsibility for the destruction of European Jewry and learn nothing of the guilt of others who are now enshrined as heroes.<sup>66</sup>

There were many responses to Rabbi Hutner's thesis. It may be that the rejoinder by Professor Lawrence Kaplan in *Tradition* became the most widely acknowledged. The latter was Professor of Rabbinics and Jewish Philosophy at McGill University in Montreal, Quebec. Kaplan was a rabbinical graduate of the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University, and a recipient of a PhD. from Harvard University. Professor Kaplan totally recognized the Rosh Yeshiva's prominent status in the American yeshiva world:

Three years ago *The Jewish Observer*, a magazine published by the Agudat Israel of America, printed a discourse by Rabbi Yitzhak Hutner *Sblita*, Dean of *Yeshivas Rabbenu Hayyim Berlin* and a member of the *Moetzes Gedolei HaTorah*, the rabbinical council of the Agudah, on the subject of teaching the Holocaust in religious schools ("Holocaust?—A Study of the Term and the Epoch It's Meant to Describe," October 1977). This discourse aroused a good deal of discussion and controversy within the Orthodox Jewish community, both inside and outside the pages of *The Jewish Observer*....

Rabbi Hutner's discourse is important for several reasons. First, Rabbi Hutner is perhaps the leading thinker in the traditional yeshivah world, and a discourse of his on the delicate and important subject of teaching the Holocaust in religious schools is bound to carry great weight. Second, as will become clear in the second part of this article, Rabbi Hutner's discourse indicates that the yeshivah world and the Agudah of which Rabbi Hutner is an outstanding representative, despite their pragmatic accommodation with the State of Israel and recently with the Israeli government, have not abandoned their ideological hostility to Zionism, a hostility that I will argue, in the case of Rabbi Hutner, has influenced his evaluation of historical events.<sup>67</sup>

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<sup>66</sup> Hutner, "Holocaust," pp. 7-8.

<sup>67</sup> Lawrence Kaplan, "Rabbi Isaac Hutner's 'Daat Torah Perspective' on The Holocaust: A Critical Analysis," *Tradition*, 18:3 (Fall 1980), pp. 235-236. For references to additional responses, *supra* note 28.

Professor Kaplan challenged Rabbi Hutner's thesis that the Nazi Holocaust was the first time in history when the Christian West and Muslim East, as represented by Hitler and the Mufti respectively (*yemakeb shemam*), collaborated for the purpose of persecuting and killing Jews. Kaplan contended:

The Nazi annihilation of European Jewry was *not* the first instance in history of Muslim-Christian collaboration in the persecution and murder of Jews. Rabbi Hutner obviously forgot about the Damascus affair of 1840, the most notorious blood libel of the nineteenth century. In that case, a Christian friar in Damascus had disappeared, and a number of Jews were accused of murdering him for "ritual purposes." The Christian French consul in Syria, Ratti-Meton, and the Muslim Governor-General, Sharif Padia, with the tacit connivance of the Syrian ruler, Muhammed Ali, conspired together and cruelly tortured the accused Jews in order to extract confessions from them. A number of Jews died under the torture, and others converted. This barbaric act aroused a storm of protest in Western countries, among both Jews and non-Jews. (In those idyllic times when the mass murders of our enlightened century were not even a bad dream, people were able to feel a sense of outrage at even "only" a few unjust deaths.) Strong diplomatic pressures were exerted by European embassies in the Middle East, mass rallies were held in various European cities, and a delegation of prominent Jews went to Egypt in order to intervene. Finally, all the Jews who had not either died or converted but were still rotting in prison were released.<sup>68</sup>

Kaplan also negated the claim that the Zionist movement intensified the Mufti's hatred for all Jews and advanced the plans for their extermination. Kaplan argued:

Contrary to Rabbi Hutner's claim, the role of the Mufti with regard to the Nazi decision to annihilate the Jews was minimal...

What, then, was the Mufti's role regarding the decision to annihilate all European Jewry? Both Rabbi Hutner and Rabbi Feitman make much of the fact that the Wannsee Conference, where the formal decision to annihilate the Jews was made, took place on January 20, 1942, 2 months after the Mufti's arrival in Berlin. However, they overlook a number of important facts that tend conclusively to disallow any role the Mufti had in influencing the final decision to annihilate the Jews. First, both Rabbis Hutner and Feitman overlook

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<sup>68</sup> Lawrence Kaplan, "Rabbi Isaac Hutner's 'Daat Torah Perspective' on The Holocaust," pp. 239-40.

the fact that hundreds of thousands of Jews in Lithuania and Russia had already been murdered by *Einsatzgruppen* in *Aktions* that took place in September and October of 1941, months before the Mufti ever arrived in Germany.<sup>69</sup>

Professor Kaplan also took issue with Rabbi Hutner's description of the cordial relations that Jerusalem's Jewish residents had with the Mufti. He wrote:

Rabbi Hutner mentions that "years ago, it was still easy to find old residents of Jerusalem who remembered the cordial relations they had maintained with the Mufti in the years before the impending creation of the Jewish State." But what does this prove? Only that oppressors of a people always like to pick out some particularly harmless, docile, or servile representatives of that people and shower kindness and benevolence on them in order to show that they are not really prejudiced. No doubt, members of the Ku Klux Klan had their own favorite Negroes, and the Russian Czars had their favored and protected Jews. Or perhaps Nicholas I and Alexander II were really friends of the Jewish people? The fact that these old residents could maintain cordial relations with a man who had the blood of hundreds of Jews on his hands only reflects on them and not on him. Indeed, in this respect, the action of the Mufti only shows that he fits into the long line of traditional oppressors of the Jews and that his anti-Semitism was of a traditional nature that differed from the radical anti-Semitism of the Nazis, which recognized no such category as "favored" or "protected" or "good" Jews but consigned them all to death. Since, as we have seen, the Mufti was an enemy of the Jews from the start, it is impossible to say that it was the public pressure for the state that turned him into their enemy. But, again, what does that prove? Only that oppressors, when confronted with resistance on the part of the oppressed, will intensify their oppression. But we know this already from the Pharaoh's response to Moses' request to free the Jews. Or perhaps Moses was "clearly a factor" in the "shameful episode" of the Pharaoh's intensified repression and perhaps we, like the Israelites of old, should assign some of the

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<sup>69</sup> Lawrence Kaplan, "Rabbi Isaac Hutner's 'Daat Torah Perspective' on The Holocaust," pp. 240-41. The reference to Rabbi Feitman is to Rabbi Yaakov Feitman, a student of Rabbi Hutner. The former published what Professor Kaplan described as a "chazarah clarification essay," Rabbi Yaakov Feitman, "Reviewing a Shiur: Rabbi Hutner's 'Holocaust' Seminar," *The Jewish Observer*, vol. 12, no. 10 (January 1978), pp. 11-14.

blame and guilt to him.<sup>70</sup>

At the conclusion of his response to Rabbi Hutner's thesis, Professor Kaplan challenged the concept of "*Daas Torah*" as defined by *The Jewish Observer*. Kaplan declared:

And here we come to the final and perhaps most fundamental point. On its cover page, *The Jewish Observer* described Rabbi Hutner's discourse as offering "a *Daas Torah* perspective" on the Holocaust. I believe that Orthodox Jews who are not adherents of Agudat Israel and its philosophy should be wary of the entire concept of *Daat Torah* and its all too casual use, both in the pages of *The Jewish Observer* and on the part of Agudah spokesman in general. Rabbi Bernard Weinberger, in an important article in an early issue of *The Jewish Observer* ("The Role of the Gedolim," October 1963), defines *Daat Torah* as "a special endowment or capacity to penetrate objective reality, recognize the facts as they really are and apply the pertinent halakhic principles. It is a form of *Ruah Hakodesh*, as it were, which borders, if only remotely, on the periphery of prophecy." This concept, particularly in the preceding definition, is highly problematic. What are the roots of this concept in the halakhic tradition? What is the source of the term itself? Does it have a firm base in the traditional sources? Or is it really paradoxically enough, a modern notion? Or should we dispense with all questions and simply accept the notion of *Daat Torah* on the basis of *Daat Torah*? Moreover, the too casual use of the term on the part of the Agudah and the yeshivah world is often nothing more than an attempt to invest their own particular, highly partisan, ideological position that represents only a limited spectrum of legitimate Orthodox options, with quasi-divine status, brooking no dissent.<sup>71</sup>

This concept of "*Daas Torah*" as expressed by *The Jewish Observer* gradually evolved into a fundamental ideological discord in the contemporary Torah world. The more right-wing devotees generally accepted the viewpoint espoused by *The Jewish Observer*, a publication of the Agudath Israel of America. The more centrist element which converged around Yeshiva University continued its review and analysis of this concept. This culminated in the publication of an entire volume devoted to "*Daas Torah*" and subsidiary topics. Entitled *Rabbinic Authority and Personal Autonomy*, the compendium was issued by the "Orthodox Forum Series, a project of the

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<sup>70</sup> Lawrence Kaplan, "Rabbi Isaac Hutner's 'Daat Torah Perspective' on The Holocaust," p. 243.

<sup>71</sup> Lawrence Kaplan, "Rabbi Isaac Hutner's 'Daat Torah Perspective' on The Holocaust," pp. 245-246.



Rabbi Isaac Elchanan Theological Seminary, an affiliate of Yeshiva University,” in 1992. Edited by Rabbi Moshe Sokol, who received a PhD. from the University of Pennsylvania, the volume is composed of a series of original papers, which were previously presented at the Orthodox Forum. This think tank was thus described in the introduction to the volume:

The Orthodox Forum, convened by Dr. Norman Lamm, President of Yeshiva University, meets each year to consider major issues of concern to the Jewish community. Forum participants from throughout the world, including academicians in both Jewish and secular fields, rabbis, *roshei yeshivah*, Jewish educators, and Jewish communal professionals, gather in conference as a think tank to discuss and critique each other’s original papers, examining different aspects of a central theme. The purpose of the Forum is to create and disseminate a new and vibrant Torah literature addressing the critical issues facing Jewry today.

The first and longest entry in this anthology was the essay authored by Lawrence Kaplan. In his exposition, Kaplan reviews the response to his critique of Rabbi Hutner’s thesis. Rabbi Kaplan also details the subsequent discussion and utilization of “*Daas Torah*” on both the American and Israeli scenes. He asserts that the diversified theological understanding of “*Daas Torah*” has become a basic disaccord in the contemporary Torah world. Kaplan wrote:

It is precisely because the modern Orthodox reject the ethic of submission that they are highly suspicious of the entire ideology of *Daas Torah*. Indeed, one astute observer has gone so far as to argue that it is precisely their opposing views on the issue of *Daas Torah* that serve as the key difference between the rejectionist camp and the modernist camp....

We would state matters somewhat differently. While the disagreement over *Daas Torah* between the modern Orthodox and the traditionalist Orthodox is certainly important, it is, as we have sought to show, symptomatic of a deeper division between them, namely, the different relative weights they assign to submission, authority, and self-overcoming, on the one hand, and autonomy, independence, and self-expression on the other. In a word, the debate over *Daas Torah* is ultimately a debate over the ethic of submission, over what is the proper posture of the halakhic Jew standing in the presence of God.

In sum, this analysis of the differences between halakhic *pesak* and *Daas Torah* and between the rejectionist traditionalist Orthodox and the affirmative modern Orthodox has, I believe, brought to light

two additional functions of the ideology of *Daas Torah*. First, the ideology of *Daas Torah* enables the traditionalist Orthodox to present their rejectionist approach to modernity as being the sole legitimate approach, thereby delegitimizing the more affirmative approach of the modern Orthodox. Second, and even more important, the ideology of *Daas Torah* is a key element of that rejectionist approach, being perhaps the quintessential expression of the traditionalist ethic of submission.<sup>72</sup>

### Demonstrating for Russian Jewry

This modern interpretation of “*Daas Torah*” by “the traditionalist Orthodox” was to induce deep frustration and anguish into my personal life. The circumstances which evolved into a deeply disappointing development commenced in 1980. That year, my wife and I were contacted by Aryeh Kroll requesting that we agree to teach Torah in Soviet Russia. Who was this Aryeh Kroll and who sponsored him? I later wrote:

Who was this Aryeh who would soon become a dominant figure in our lives? We had to train ourselves never to mention his name so we would not slip in Russia where the KGB could be listening. We simply referred to him as “the Boss.” Only after he received the Israel Prize Lifetime Achievement Award in 2000 did his name become widely known. Who was “the Boss”? Aryeh Kroll was born in 1923 in the Minsk province of Belorussia. His father, a *shohet*, succeeded in reaching Palestine in 1933. The family was reunited two years later when Aryeh and his mother were able to come on *aliyah*. Aryeh became active in Bnei Akiva and was among the founders of Kibbutz Sa’ad, in the northern Negev. This kibbutz was to remain his home. Aryeh and his wife Rachel raised five daughters on the kibbutz and both parents held responsible positions in the greater kibbutz and Negev communities. Aryeh was totally integrated into the religious Zionist Israeli scene. His Russian childhood gradually became a distant memory.

Then came his eventful journey in 1965. This voyage became the impetus that would later influence and impact upon thousands of Jews throughout the world. That year the Soviet government decided to open its doors to Israeli tourists. Aryeh requested his kibbutz to enable him to visit his two sisters who had remained behind the Iron Curtain. The kibbutz encouraged his trip. Aryeh joined a group of Israeli tourists who were almost all on in years. They, too,

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<sup>72</sup> Moshe Sokol, editor, *Rabbinic Authority and Personal Autonomy* (Northvale, NJ: Jason Aronson, 1992), pp. 26-28.

were desirous of visiting relatives they had not seen in decades. Aryeh would later recall: "I had no commitment towards helping Russian Jewry at the time. I knew little about their status and I was not particularly interested in their plight. I only wanted to see my sisters after thirty years of separation."

The Israeli tourists were placed in the Metropole Hotel, which was adjacent to the Kremlin. Here, there were tearful reunions between the Israelis and their Russian relatives. Aryeh had difficulty in speaking Russian, although he understood the speech of others. Within a few days, the full command of his native tongue returned to him. After the initial impact of his return to Russia began to subside, Aryeh went to bed early one night. Suddenly there were loud knocks on the door to his room. He opened the door and was greeted by another Israeli tourist. The woman was obviously very agitated and asked for Aryeh's help. She then told him what had just transpired in the hotel's lobby with her elderly uncle. He had traveled all the way from the city of Omsk in Siberia to meet her. He brought a tallit with him that was tattered, worn, and bloodstained. Her uncle declared that this prayer shawl protected him during the most difficult moments of his life. It guarded him when he fought against the Germans in World War II. It protected him when he was captured and managed to escape. It watched over him when he joined the partisans and harassed the enemy. After the war, he was exiled to Siberia. Once again, her uncle credited his survival to this tallit. He then asserted: "If you could get me a new tallit made in Israel, I would joyfully wrap myself in it. I would then declare to the Almighty that I am ready for Him to take me on High."

Aryeh immediately gave the lady his own tallit and tefillin for her aged uncle. Aryeh did not sleep that night and was simply overwhelmed by the depth of the Jewish commitment of some of the Jews behind the Iron Curtain. He would later declare that he then began to think: "Something can still be done to aid Soviet Jewry. All is not lost if there can be such faith after so many decades of persecution and isolation from world Jewry. This bloodstained tallit changed my mindset. Since then, aiding Soviet Jewry became my life's calling."

Aryeh's impressions were reinforced the next day when the group of Israeli tourists visited Israel's embassy. There they met with the ambassador Yosef Tekoa. Rather than speak to the ambassador, since the KGB might have listening devices in the building, Aryeh wrote a note to Tekoa. In it, he requested that the visitors be given all the Israeli trinkets and religious items that were available for distribution. Tekoa complied and Aryeh later distributed the items

among the tourists. They were instructed to give them to their relatives. Aryeh was later informed that these objects were eagerly snatched up by the locals. The Soviet Jews accepted them with religious fervor. This behavior likewise indicated that, in the words of “Ha-tikvah,” “Our hope is not yet lost” regarding the relationship with the Jews behind the Iron Curtain.<sup>73</sup>

After he returned to Israel, Aryeh went to see David Ben Gurion, his neighbor in the Negev. The excited and enthused Aryeh told the Israeli elder statesman all about his Russian experiences. Kroll was soon recruited to work in a branch of the Mossad designated as “*Lishkat ha-Kesher—Nativ*.” Its name, which translates as “the Office of Contact—a Pathway,” indicated exactly its purpose and goals. It was to guard and widen the passage between Soviet Jewry and the State of Israel.

Relations between Russia and Israel soon deteriorated as described in my writings:

Following Israel’s victory in the Six-Day War, Russia terminated its diplomatic relations with the Jewish State. An Israeli passport was no longer eligible for a Russian visa. Aryeh devised the idea of sending both non-Israeli Jews and Israelis who possessed dual citizenship to visit the Soviet Union. A foreign passport, particularly from a Western country, was yet acceptable to the Communist Empire. Even when it could be assumed that the Soviet authorities knew that the applicants were Jews with Israeli connections, the visas were generally granted. The American Department of State monitored the rejections of visas. They, in turn, would reject the requests of Soviet citizens to visit the United States. Many Soviet tourists were involved in espionage, even if it was simply of an industrial nature; bringing back a Sears, Roebuck and Co. catalogue was also a bounty for the Soviets. The Russians would therefore not usually reject our visa requests.<sup>74</sup>

By the time Aryeh contacted us there were many *baalei teshuvah* in the refusenik community. Their hardships in the Soviet Union encouraged many to learn about Judaism. Some became completely Torah observant. They requested of Aryeh that he send a lecturer who could introduce

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<sup>73</sup> Rakeffet-Rothkoff, *From Washington Avenue to Washington Street*, pp. 312-315. For additional information on Aryeh Kroll and his accomplishments, see Rakeffet-Rothkoff, *Washington*, chapters 10, 11, 12; *Rakafot Abaron*, vol. 4, pp. 113-213; and Shelomoh Rozner, *Bi-Netiv ha-Demamah* (Jerusalem: Mercaz Zalman Shazar, 2012).

<sup>74</sup> Rakeffet-Rothkoff, *From Washington Avenue to Washington Street*, p. 316.

them to the study of the Talmud.<sup>75</sup> When Aryeh contacted us, he requested that I teach Talmud in Moscow and cognate subjects in other cities. Thus began a relationship between my wife, myself, and the Nativ branch of the Mossad, which was to continue on an intense level until the fall of Communism.

While the mission of Nativ behind the Iron Curtain continued uninterrupted, there were also demonstrations throughout the Western World imploring the Soviet government to allow Jews to emigrate. The plight of Soviet Jewry had become a focal challenge for the Jewish nation. The Talmud already recounts an incident when Jews demonstrated against persecution. The Sages recount:

On the twenty-eighth thereof [of Adar] came glad tidings to the Jews that they should not abandon the practice of the Law. For the government [of Rome] had issued a decree that they should not study the Torah and that they should not circumcise their sons and that they should profane the Sabbath. What did Judah b. Shamu'a and his colleagues do? They went and consulted a certain matron whom all the Roman notables used to visit. She said to them: "Go and make proclamation [of your sorrows] at nighttime." They went and proclaimed at night, crying, "Alas, in heaven's name, are we not your brothers, are we not the sons of one father and are we not the sons of one mother? Why are we different from every nation and tongue that you issue such harsh decrees against us?" The decrees were thereupon annulled, and that day was declared a feast day.<sup>76</sup>

However, throughout the ages Jewish leaders generally resorted to *shtadlanut* in their relations with their gentile neighbors. In the modern era, this quandary became manifest once again during the Nazi period. The question of *shtadlanut* or public protest became an open issue in the United States. A Joint Boycott Council was organized in 1936 by various Jewish organizations. The Council proscribed all contacts with Germany and adjacent countries that were under Nazi dominance. Notwithstanding, the American branches of Agudath Israel continued its relief activities in Europe. To facilitate these activities, the Agudah utilized its international organization to transfer food packages and other necessities to branches under Nazi conquest. When the Boycott Council learned of the Agudah's activities, the organization was accused of aiding the enemy. On July 1,

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<sup>75</sup> For a description of this development among Soviet Jewry, see J. David Bleich, "Jews in Russia Today: Fact and Fiction," *The Jewish Observer*, vol. 12, no. 9 (December 1977), pp. 8-10.

<sup>76</sup> *Rosh Hashanah*, 19a; *Ta'anit*, 18a. Translation based on the Soncino edition.

1941, Rabbi Benjamin Hendles, the Agudah's executive director, wrote to Rabbi Eliezer Silver, its president:

I already informed you that the Joint Boycott Council insisted that we stop sending the care packages to Europe. Today I met with their chairman, Dr. Joseph Tenenbaum. He insists that our packages are confiscated by the Nazis, and that he has documents to prove this. I tried to convince him that in the Agudah office there are hundreds of thankful letters from the recipients. Nevertheless, he insisted that the packages are reaching the Nazis and not the addressees. When I asked to see his proof, Tenenbaum claimed that this was unnecessary. We should comprehend the situation on our own....<sup>77</sup>

The Agudah office was later picketed by the Council. Three weeks later, Tenenbaum issued a harsh public statement against Agudah.

After three weeks of continuous picketing, the Agudat Israel of America still continues in the sorry role of being the only organization breaking the British blockade and Jewish solidarity.

Recent investigations undertaken by the Council show that, in addition to non-delivery of food packages in Nazi Poland, the German fiscal system has developed a new means of exploiting the sympathies of those sending food packages, by charging the full amount of the American price of the packages as duty, before allowing the package to go to the unfortunate to whom it is addressed. It is to be deplored that the Agudat Israel of America, a sickly weed transplanted from foreign soil to the liberal American environment, should continue to poison the atmosphere without regard for the consequences to the entire Jewish people.<sup>78</sup>

Shortly after the public airing of this conflict, Agudah yielded. An announcement by its World Executive stated that the organization would be guided by the wishes of the Joint Boycott Council. Agudah still claimed that their earlier deliveries reached their ultimate destinations. The organization only regretted that the Council had "made a national issue of a problem which was on the verge of amicable settlement." Tenenbaum soon confirmed that "the sending of food packages to Poland seems to have ceased completely."<sup>79</sup>

This matter of contention became manifest once again in 1943, in relation to a "March on Washington" to publicize the plight of European

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<sup>77</sup> Rakeffet-Rothkoff, *The Silver Era*, p. 173. For full details of this controversy, see pp. 172-174.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

Jewry. By that time, millions of European Jews had already been murdered for being Jewish. More were being slaughtered by the hour. Hillel Kook, also known as Peter Bergson, was a Revisionist Zionist activist and politician. He organized the march and was primarily joined by the leaders of the Agudat ha-Rabbanim and the Vaad ha-Hatzala. The demonstration took place on October 6, 1943, three days before Yom Kippur.

Bergson enlisted the rabbis and the American Jewish Legion of Veterans for the march. He had expected all segments of the American clergy to participate, but no Protestants, Catholics, Baptists or members of any Christian denomination joined them. Only other Jewish organizations—the Union of Orthodox Rabbis of the United States and Canada, the Union of Hasidic Rabbis and a commander of the Jewish Legion—participated. The Rabbinical Council of America, representing modern Orthodox rabbis, sent Rabbi David Silver, the son of Rabbi Eliezer Silver.

When he first heard about the march, Baruch [Nathan] asked Rabbi Shraga Feivel Mendlowitz, *menabel* (principal) of Torah Vodaath, if students could participate and Rabbi Mendlowitz gave his permission. He added, however, that the yeshiva had no funds to pay for buses to transport any students wishing to attend. Undaunted, Baruch contacted Rabbi Silver through the Agudas Hara-bonim, and arranged to accompany him to Washington.

Dressed in long, dark rabbinic garb, the 400 rabbis walked from Union Station to the Capitol Building. There, on the vast and imposing marble staircase, Rabbis [Eliezer] Silver, Israel Rosenberg and Bernard Louis Levinthal led a recitation of *Psalms*. Bergson made the introductions to Vice President Henry Wallace and a number of Congressmen.<sup>80</sup>

Yet one of the preeminent rabbis in the United States did not participate in the march as a matter of principle. Rabbi Aaron Kotler, the Kletzker Rosh Yeshiva, had arrived in America in 1941. He immediately immersed himself in Vaad Hatzala activities and soon became a dominant

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<sup>80</sup> Alex Grobman, *Battling for Souls: The Vaad Hatzala Rescue Committee in Post-War Europe* (Jersey City, NJ: Ktav Publishing House, 2004), pp. 39-41.

For additional details of the “March on Washington,” see Zuroff, *The Response of Orthodox Jewry in the United States to the Holocaust*, pp. 257-265; Rakeffet-Rothkoff, *The Silver Era*, pp. 218-222; *The Rav*, vol. 2, pp. 156-157; *Rakafot Aharon*, vol. 4, p. 232; and Birnbaum, *A Blazing Light in the Darkness: Rabbi Avrohom Kalmanowitz*, pp.171-175. Rabbi Baruch Nathan, a graduate of Mesivta Torah Vodaath, was an activist in the Vaad Hatzala. The volume *Battling for Souls* by Alex Grobman is essentially about Rabbi Nathan’s Vaad Hatzala activities.

figure in its undertakings. Only later did he reorganize his Yeshiva in Lakewood. His attitude towards the march was thus portrayed:

Rav Aharon was probably the only major Orthodox rabbinic figure who did not attend the march. For him, dealing with the plight of the Jews in the public forum was inappropriate, because he believed the nations of the world reveled in the Jews' tragedies. In his estimation, the most appropriate form of activism was for the American Jewish community to aim its anger and frustration at its elected officials. He believed that only quiet diplomacy, conducted behind closed doors, could succeed.<sup>81</sup>

The "March" was not a total success. President Roosevelt did not meet with the rabbis and delegated Vice President Henry Wallace to represent him. Rabbi Joseph B. Soloveitchik would later proclaim:

During the Holocaust years, American Jews were very, very indifferent. At least they acted as if they were indifferent. They were afraid of [Franklin Delano] Roosevelt and did not act properly. American Jews apparently did not identify with their brethren in Auschwitz and Treblinka. Had they felt identity with these people, then they would have yelled, shouted, and complained. When the Agudat Harabanim [Union of Orthodox Rabbis of the United States and Canada] organized a march on Washington, Roosevelt refused to see them. It was the day before Erev Yom Kippur, and yet Roosevelt refused to see them. [The march took place on October 6, 1943.] Nothing helped! Roosevelt let Henry Wallace, who was then the Vice-President, receive the delegation of the Agudat Harabanim. The Jewish people just did not react to the event. As a matter of fact, many, particularly the Jewish press, enjoyed the spectacle. Five hundred *rabanim* went to Washington. These *rabanim* sent a delegation consisting of five rabbis to meet with the President, but he did not receive them.<sup>82</sup>

Yet the momentum engendered by the "March" contributed to the formation of the War Refugee Board. It was established on January 22,

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<sup>81</sup> Alex Grobman, *Battling for Souls*, p. 45. For Rabbi Kotler's biography, see Aharon Sursky, *Esh ha-Torah: rashe perakim mi-korot hayav u-ketsot derakhav shel rabenu hagadol sar ha-Torah veba-yir'ah ... Rabi Aharon Kotler z.tz.ve.k.l.* (Benei Brak, 2013), 2 volumes.

<sup>82</sup> Rakeffet-Rothkoff, *The Rav*, vol. 2, pp. 157-158. This disappointing event was probably one of the factors that influenced the Rav to leave Agudat Israel and join the Mizrachi movement. It indicated that forceful action accomplished more than *shtadlanut* in the modern era.



1944, by Roosevelt, as a United States government special agency for rescue of and aid to the war victims. It consisted of the secretaries of state, treasury, and defense. Its representatives, stationed in pivotal neutral cities throughout the world, devoted themselves with zeal and daring to rescue work despite the lateness of the hour. They succeeded in saving some tens of thousands of Jews in Rumania and Hungary.<sup>83</sup>

The issue of activism contrary to quiet diplomacy came to the fore once again in relation to Soviet Jewry. Rabbi Menachem Mendel Schneerson, the seventh Lubavitcher Rebbe, constantly advocated a policy of *shtadlanut* in relation to the Soviet Union. Throughout all the decades of Soviet persecution of religious endeavors, Lubavitcher Hasidim maintained a network of underground Jewish activity. The Rebbe's standpoint was explained in a Chabad publication:

The victory of the Six-Day War in 5727 raised Jewish pride throughout the Soviet Union. Many began to openly identify themselves as Jews, and there was a surge in the amount of people trying to emigrate to Eretz Yisroel. But the difficulties of living in Russia grew in tandem: following the Arab nations' defeat, Soviet Russia cut ties with Eretz Yisroel and many of those who tried obtaining visas lost their jobs, were interrogated and sent to prison. It was during this period that demonstrations for the Jews of Russia became the most popular Jewish cause worldwide, with huge events taking place in Washington, Tel Aviv and other capitals throughout the world. One might think that this was a positive development: Jewish people were finally expressing solidarity with their brothers in exile and pushing for them to be released. In fact, most of the Jewish establishment was on board with the movement. "Let my people go!" they proclaimed, as they sought to isolate the Soviet government until they would open the doors to immigration.

The Rebbe was the single voice against these protests. As he would later articulate at length at various *farbrengens*, the Rebbe said that public pressure was only serving to antagonize the Russians and causing them to harden their stance. Furthermore, it was endangering the lives of millions of Russian Jews, who were hostages of the Communist regime.<sup>84</sup>

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<sup>83</sup> Rakeffet-Rothkoff, *The Silver Era*, pp. 221-222; Grobman, *Battling for Souls*, pp. 52-53; Birnbaum, *A Blazing Light in the Darkness*, pp. 174-178; and Zuroff, *The Response of Orthodox Jewry in the United States to the Holocaust*, pp. 264-265.

<sup>84</sup> "Quiet Diplomacy: The Rebbe's Battle to Save Russian Jewry," *A Chassidisher Derber* (Vaad Talmidei Hatmimim Haolami), issue 69, May 2018, p. 47.

There were other prominent American rabbis who likewise practiced restrained diplomacy rather than confrontation in their relations with the Soviet Union. Among these were Rabbis Arthur Schneier of the Rabbinical Council of America and Mordechai Pinchas Teitz of the Agudath Harabanim. Rabbi Schneier, ordained by Yeshiva University in 1955, was the spiritual leader of Park East Synagogue in New York City. In 1965, he founded the Appeal of Conscience Foundation. It functioned as an “interfaith coalition of business and religious leaders” dedicated to promoting “peace, tolerance and ethnic conflict resolution.” He conducted an ongoing relationship with the Soviet Union and always by using official channels.<sup>85</sup> Rabbi Teitz, educated in Lithuanian *yeshivot*, arrived in the United States in 1933. He soon became the spiritual leader of the Orthodox Jewish community in Elizabeth, New Jersey. He evolved into one of the foremost American rabbinical personalities. Following World War II, Rabbi Teitz urged Jews in the United States to establish relationships with their relatives in the Soviet Union. Following the death of Stalin in 1953, the rabbi increased his Russian activities. Beginning in 1964, he was to make twenty-two trips to the Soviet Union. All these undertakings were in consonance with Soviet regulations and approval. He would later publish a *Siddur* with Russian translation, Jewish calendars, and arrange for *gittin* to be provided behind the Iron Curtain.<sup>86</sup>

After his death in 1995, Rabbi Teitz’s Russian activities were thus described:

Recognizing the isolation of Soviet Jewry in 1964, Rabbi Teitz made the first of twenty-two trips to the USSR; it was the first crack in the Iron Curtain. Because he refused to allow any publicity about his visits, he was able to win the trust and tacit cooperation of the Soviet authorities. Surprisingly, the Rav was at times severely criticized by establishment groups for “giving aid and comfort” to the Soviet government because he went as their official guest—in contrast to the confrontational tactics of other pro-Soviet Jewry activists.<sup>87</sup>

I was first exposed to the concept of “confrontational tactics” in 1959 when there was a Soviet display in New York City. The first artificial Earth

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<sup>85</sup> “Rabbi Arthur Schneier.” *Wikipedia*, Wikimedia Foundation, 25 December 2020, [https://en.wikipedia.org/wiki/Arthur\\_Schneier](https://en.wikipedia.org/wiki/Arthur_Schneier)

<sup>86</sup> For the biography of Rabbi Teitz, see Rivkah Blau, *Learn Torah Love Torah Live Torah* (Hoboken, NJ: Ktav Publishing House, 2001). For his Russian activities, see the chapter entitled “More Secret than the CIA—Rabbi Teitz in the USSR,” pp. 243-300.

<sup>87</sup> Yaakov M. Dombroff, “An Appreciation of Rabbi Mordechai Pinchas Teitz זצ”ל,” *The Jewish Observer*, vol. 29, no. 5, June 1996, p. 21.

satellite was successfully launched by the Soviet Union on October 4, 1957. Designated as Sputnik 1, it created enormous interest in the United States regarding Soviet achievements. At the end of 1958, both the United States and the Soviet Union agreed to host national exhibitions from the other nation. The Soviet exhibition opened in the New York Coliseum in June 1959. The focal point of the display was a model of Sputnik 1. There were also exhibits on Soviet industry and agriculture, as well as musical theatrical performances. There was now some discussion among Jewish youth groups about organizing demonstrations outside the Coliseum to protest Soviet policies towards Jewish observance and religious study. Following his formal class at the Yeshiva, while the Rav was still at his desk, a student approached him and asked whether it was advisable to demonstrate against the Soviet government. The Rav responded:

Of course, we should. We should not repeat the mistake of our being passive towards the developments in Germany as the Nazis rose to power. We should not duplicate the errors of our conduct during World War II.<sup>88</sup>

A similar position was later attributed to the Rav in a responsum penned by Rabbi Yehuda Herzl Henkin. The latter, a recognized *posek* in the religious Zionist world, was the author of four volumes of responsa literature entitled *She'elot u-Teshuvot Bnei Banim*. During Chanukah of 1987, Rabbi Henkin was asked by a participant in his lecture, whether it was advisable to take part in demonstrations demanding the liberation of Soviet Jewry. By this date, there were massive protests all over the Jewish world. This enquirer cited public pronouncements by two different American rabbinic organizations. One prohibited such demonstrations and claimed that the late Rabbi Moshe Feinstein was opposed. The other encouraged public protests and cited the positive attitude of Rabbi Joseph B. Soloveitchik. Rabbi Henkin analyzed the Talmudic discussion of the public protests against the Roman government.<sup>89</sup> He concluded that it was undoubtedly permitted to demonstrate. However, the experts must be consulted regarding the efficacy of such actions. Once again, Rabbi Henkin cited the deportment of our Talmudic sages who consulted with a Roman matron regarding when and how to demonstrate. Since the circumstances may change with the passage of time, one cannot rely upon viewpoints that were expressed in the past. Rabbi Henkin revealed that

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<sup>88</sup> I was sitting next to the Rav's desk and overheard this conversation. Cf supra note 82.

<sup>89</sup> See supra note 76.

Rabbi Dr. Moshe Dovid Tendler, the son-in-law of Rabbi Feinstein, maintained that Rav Moshe would not object to public protests in contemporary times. There are positive results from the Jewish public outcry.<sup>90</sup>

By the 1980s, the ongoing spiritual struggle of the Jews behind the Iron Curtain was widely scrutinized in the Free World. The heroism of *ba'alei teshuvah* studying Talmud and observing a Torah lifestyle in the shadow of Communist atheism became worldwide news. It particularly inspired the religious Jewish community, which appreciated the sacrifices being made for *kashrut*, Shabbat, and family purity observances in the Soviet Union. Public demonstrations were intensifying throughout the worldwide Jewish communities.<sup>91</sup>

### **Bnei Brak and Rabbi Rafael Halperin**

Under these circumstances, in 1984, Aryeh Kroll revealed a new turn of events to me in one of our routine meetings. Aryeh had been approached by Rafael Halperin, who wished to organize a massive public demonstration in the greater Bnei Brak community. Halperin was one of the most colorful and influential *haredi* personalities on the Israeli scene. He was a businessman, rabbinical scholar, bodybuilder, and professional wrestler, who had won the world championship in free wrestling.<sup>92</sup> Aryeh appointed me to be the liaison between Rabbi Halperin and the Nativ branch of the Mossad. I was to guide Halperin in his desire to sponsor a

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<sup>90</sup> Yehuda Herzl Henkin, *She'elot u-Teshuvot Bnei Banim* (Jerusalem: 1992), vol. 2, pp. 201-203. Former Prisoner of Zion Rabbi Josef Mendelevich confirmed to the author on October 31, 2022, that this was indeed the position of Rav Moshe Feinstein. After Mendelevich was released from the Soviet prison, he visited Rav Moshe in New York. While discussing this topic, Rav Moshe exclaimed that Josef is the expert on this topic. If he declares that demonstrations are helpful, then they are to be encouraged. For the complete October 31, 2022, interview, see <https://www.yutorah.org/sidebar/lecture.cfm/1047598/rabbi-dr-aaron-rakeff-fet-rothkoff/satmar-issues-non-observant-jews-should-live-in-israel-artificial-insemination-donor-satmar-versus-r-moshe-reform-in-germany-moved-to-hungary-and-affected-torah-life-there-r-yosef-mendelevich-interview-and-the-importance-of-his-2022-video/>

<sup>91</sup> For examples of this phenomenon, see Alice Markowitz, *Refused: The Refusenik Community that Refused to Give Up and the London Community that Refused to Let Them* (Tel Aviv, 2004) and Miriam Stark Zakon, *Silent Revolution: A Torah Network in the Soviet Union* (Brooklyn, New York: Mesorah Publications, 1992).

<sup>92</sup> For details of Rabbi Rafael Halperin's life, see his autobiography, *Zirat Hayai*, [Enlarged and expanded ed.] Tel Aviv: Rav Halperin, 2003.

massive event in the hub of ḥaredi Israel in support of Russian Jewry. I was to emphasize to Halperin that we should not publicly criticize the Communist lifestyle or ideology. We were not desirous of denouncing the Soviet Empire.

Our plea was for the Soviet Union to allow its Jewish citizens who so desired, to reunify with their relatives in Israel. Family reunification and allowing minority ethnic groups to return to their homelands were concepts which the Soviet Union recognized.<sup>93</sup> Nativ was industrious in its abilities and efforts to discover or create relatives for Jews desiring to leave.

I met with Halperin and quickly discerned that he was truly a man of action and vision. He forthwith began to arrange and put together the happening. Rabbi Halperin's project soon became public knowledge in his sector. Opposition to his aims and course of action was rapidly expressed. Restrained and quiet diplomacy was always the ḥaredi approach and not public confrontation. This is "*Daas Torah*" and it is not subject to contemporary revision. During the summer of 1984, Rabbi Mordechai Pinchas Teitz visited with Rabbi Elazar Menachem Shach, the leading Lithuanian Rosh Yeshiva.<sup>94</sup> Rabbi Shach considered the Elizabeth Rabbi to be the expert on the Russian state of affairs. Rabbi Teitz reassured Rabbi Shach that nothing had changed and the public demonstrations would be detrimental to the Jews behind the Iron Curtain. Once Rabbi Shach was opposed, Halperin had little choice and soon had to cancel his plans and activities. It was left to me to explain this chain of events to the professionals at Nativ. It was very awkward and embarrassing. The Nativ personnel were truly the world authorities on relations with our kin in the Soviet Union. They absolutely felt that properly organized events, such as Halperin envisioned, would be most helpful at that time.

Protests continued throughout Jewish communities. "Let My People Go" became a rallying cry which infused Jewish identity throughout the world. This steadily led to an overshadowing event which helped influence the Soviet Union revolutionize its attitude towards Jewish citizens. On December 6, 1987, some 250,000 people gathered on the National Mall in Washington, D.C. to protest on behalf of Soviet Jewry, at the Freedom Sunday rally. This demonstration was one day before the sum-

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<sup>93</sup> For details and history of the Soviet position on these issues, see, "Emigration from the Eastern Bloc." Wikipedia, Wikimedia Foundation, 22 May 2022, [en.wikipedia.org/wiki/Emigration\\_from\\_the\\_Eastern\\_Bloc](https://en.wikipedia.org/wiki/Emigration_from_the_Eastern_Bloc)

<sup>94</sup> I wish to express my appreciation to Dr. Rivkah and Rabbi Yosef Blau in establishing the period when Rabbi Teitz visited Rabbi Shach regarding this matter, in correspondence, December 17-18, 2020.

mit meeting between President Ronald Reagan and Soviet Premier Mikhail Gorbachev. The theme of the public protest was freedom of emigration for the three million Soviet Jews, as well as an end to their ill-treatment within the Communist bloc. The main Jewish speakers were Nobel laureate Elie Weisel and Natan Sharansky. The latter had been released from the gulag just one year earlier and personified Soviet Jewry's conflicts and endeavors. The day after the Freedom Sunday rally, Reagan raised the issue with Gorbachev. "Yesterday I had 250,000 people in my backyard saying, 'Let my people go.' Until you do what they want, nothing will happen," Reagan declared. In retrospect, this massive solidarity Jewish assemblage became the catalyst that changed the future of Soviet Jewry.<sup>95</sup>

### ***Daas Torah* as Sagacious Advice**

A more acceptable and satisfactory definition of "*Daas Torah*" on the contemporary scene would simply be "sagacious advice." The sages who are totally devoted to the enduring saga of the Torah nation can guide their devotees with unique foresight and perception. Rabbi Moshe Sherer, President of Agudath Israel of America, thus described his concept of the role of the rabbis guiding the Agudah.

To media leaders, he would say: "Agudath Israel's Council of Torah Sages is its highest governing body because it consists of the foremost Talmudic Scholars, men who are totally immersed in our 3,000 years' experience and deeply steeped in Jewish scholarship. They are the only Jews who are capable of addressing contemporary issues within the context of Sinai and translating it into relevant policy."<sup>96</sup>

In an address at Camp Agudah, Rabbi Sherer described the guidance he received from Rabbi Aaron Kotler:

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<sup>95</sup> Cf. Henry L. Feingold, *Silent No More: Saving the Jews of Russia, the American Jewish Effort, 1967-1989* (Syracuse, New York: Syracuse University Press, 2007), pp. 272-274.

For an interesting meeting between Gorbachev and Nechemia Levanon, in 1995, see the latter's *Hakod-Nativ* (Tel Aviv: Am Oved Publishers, 1995), pp. 493-495. Levanon was the head of Nativ for twelve years.

For a memoir of the "Freedom Sunday for Soviet Jews," see Yudborovsky, Marina and Eric Fingerhut, "Remembering the Emigration of Soviet Jewry," *The Jerusalem Post*, December 20, 2020.

<https://www.jpost.com/opinion/remembering-the-emigration-of-soviet-jewry-opinion-651429>. Accessed 28 March 2022.

<sup>96</sup> Menachem Lubinsky, "Rabbi Moshe Sherer *Zatzal*," *The Jewish Observer*, vol. 31, no. 6 (Summer, 1998), p. 61.

As a contemporary example of this concept, I recall the time some thirty years ago when I was invited, along with twelve other “Jewish leaders,” by President Kennedy to a meeting with him at his Oval Office. The President called this confidential meeting to explain a recent anti-Israel vote in the United Nations Security Council in which the U.S. had voted against Israel. The meeting was to be held on Tisha B’Av.

I called HaGaon Harav Aharon Kotler [*zatzal*] to ask whether I should attend the meeting, and if yes, how to proceed. Reb Aharon was unequivocal in his opinion that I must attend, and he instructed me to consult HaGaon Harav Moshe Feinstein [*zatzal*] as to how I should conduct myself in attending this meeting on Tisha B’Av. Reb Aharon then kept me on the phone for an hour and a half, as he gave me a lesson on the security problems facing Israel, and how I should approach each problem, should it come up at the meeting. I can attest to the fact that Reb Aharon never listened to the radio or read a secular newspaper, yet his thorough knowledge of and insight into Israel’s situation was astounding. I did attend the meeting with President Kennedy, and sure enough, the points that Reb Aharon asked me to present became the focal point of that discussion.<sup>97</sup>

A young yeshiva student was quoted in an Israeli publication:

If a question arises about my serving in haredi units in the Israel Defense Forces, I will consult my rabbi. There is good reason for us to heed the advice of prodigious Torah scholars. As a result of studying Torah for so many years they cultivate and acquire a total Torah lifestyle comprehension.<sup>98</sup>

Nonetheless, there are occasions when the Torah scholars must seek guidance from experts in particular areas of human endeavor and general scholarship. The Sanhedrin required its members to be proficient not only in Torah scholarship but also in general knowledge. The Talmud asserts:

R. Johanan said: None are to be appointed members of the Sanhedrin, but men of stature, wisdom, good appearance, mature age, with a knowledge of sorcery, and who are conversant with all the seventy

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<sup>97</sup> Shimon Finkelman, “True and Unwavering: The Proper Course for the Torah Jew and His Community, Based on an Address ... by Rabbi Moshe Sherer,” *The Jewish Observer*, vol. 31, no. 6 (Summer, 1998), pp. 80-81.

<sup>98</sup> *Olam Katan*, no. 774 (*Parshat Toldot*, Kislev 4, 5781), p. 4.

languages of mankind, in order that the court should have no need of an interpreter.<sup>99</sup>

Maimonides increased the areas of knowledge prescribed for members of the Sanhedrin. He also required familiarity with medicine, mathematics, astronomy, supernatural power, and idolatry. All this information was necessary when the Sanhedrin had to adjudicate such issues.<sup>100</sup>

Nevertheless, not every member of Sanhedrin could achieve this level of knowledge and information. The Talmud allowed a Sanhedrin to be established even when there were only two such accomplished learned judges in the city. They would apprise the other members of the Sanhedrin of the knowledge and insight to comprehend the point at issue.<sup>101</sup>

The relationship between Rabbi Rafael Halperin and Nativ would have been greatly enhanced had the rabbis consulted the experts. A massive *haredi* public demonstration would have influenced even more Soviet Jews to explore their heritage. The journey of the returnees to Torah observance often begins with a single step. Once a Jew ponders his background and the implications of “Let my people go,” the path of return has begun. Halperin’s proposal would have engendered enhanced Torah awareness among the Soviet Jewry masses.

With perceptive and insightful rabbinic leadership, the Jewish nation will continue its eternal saga before God and man in ever-increasing strength and dignity.

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<sup>99</sup> *Sanhedrin*, 17a. Rashi explains that the knowledge of witchcraft is necessary so the judges will be able to detect those who seduce and pervert by this skill.

<sup>100</sup> *Mishneh Torah*, “*Hilkehot Sanhedrin*,” 2:1. See also Radbaz and *Kesef Mishneh* ad loc. for their elaboration on this ruling of Maimonides.

<sup>101</sup> *Sanhedrin*, 17b; *Mishneh Torah*, “*Hilkehot Sanhedrin*,” 1:5-6; and the commentary of the *Lechem Mishneh* to “*Hilkehot Sanhedrin*,” 2:1.



## Appendix A

### The Rav's Attitude towards Demonstrations for Soviet Jewry

Rabbi Dr. Aaron Adler was a student in the Rabbi Isaac Elchanan Theological Seminary when he was the Rav's chauffeur (1974-1977). Adler's responsibilities were to pick up the Rav at LaGuardia Airport every Tuesday morning and to be available on Wednesdays for city appointments. While driving, Adler had many conversations with the Rav. Seventy such dialogues were later published by Rabbi Adler as *Seventy Conversations in Transit* (Jerusalem: Orthodox Union Press and Urim Publications, 2021). Adler thus described the Rav's viewpoint on Soviet Jewry rallies (pp. 123-124):

The post-Six Day War era in 1967 brought on a euphoric atmosphere amongst Israelis and Diaspora Jews alike. This atmosphere spread to the former Soviet Union where over three million Jews were locked behind the Iron Curtain. Many of these Jews began demanding from the Soviet authorities the right to immigrate to Israel. The leadership of this movement—later to be referred to as “refuseniks”—carried out a heroic struggle against the tyrannical regime in Moscow. Some were given life prison sentences in Siberia.

Public demonstrations against the Soviet Union began to sprout in Israel and throughout the Jewish world. Many YU students became active in the Student Struggle for Soviet Jewry (SSSJ) movement. In the early 1970s, there were two leading Jewish figures who were vehemently opposed to publicly demonstrating against the Soviet authorities (R' Menachem Mendel Schneerson of Lubavitch and R' Pinchas Teitz of Elizabeth, N.J., *zichronam livrachab*)—each for his own reason.

The Rav, however, took the position that the Jewish community ought to raise its voice publicly on the matter and show its deep concern for fellow Jews in trouble. R' Aharon Lichtenstein—then the Rosh Kollel at YU—released his students for purposes of participating in these demonstrations. Regarding the Rav's attitude on this matter, he once told me that he did not want to be held guilty for the identical sin twice in one lifetime! He was referring to the commandment (*Vayikra* 19:16) of *Lo ta'omod al dam re'ekha*—not to stand idly by while one's brethren suffer. During the chilling days of the Holocaust, the Rav believed that he, along with the bulk of the American Jewish community, did far too little on behalf of our suffering brethren under Nazi occupation. The Rav felt that he could repent, in a small way, by taking the activist approach to the Soviet Jewish issue.

In a conversation I had in 1983 with Yosef Mendelevich, a famous “refusenik” from those days, (a conversation carried out while we both did military service together in the Israeli army!) regarding whether or not he was aware, while in solitary confinement in Siberia, of all the demonstrations taking place in the West on his behalf, he noted that he was not absolutely certain that it was the force of the demonstrations which brought down the Soviet government in 1989. However, he did know about the demonstrations going on, and they gave him strength to continue and survive the ordeal for ten years!

Appendix B  
The Rav's Comments on "*Daas Torah*"

In conversation with his *talmid* regarding his Aliyah plans, the Rav was hesitant to encourage Adler to leave his rabbinical responsibilities in the United States. Adler chronicled their exchange (p. 103):

The Rav then voiced his concerns that I may not “find” myself in Israel, and that it would be a waste losing me in America. He assured me that in twenty years’ time, I would be elected President of the Rabbinical Council of America (RCA). To which I retorted, with as much respect as I could muster, “Does the Rav have any other ‘blessings’ up his sleeve?” Finally, I promised the Rav that no matter what I would be doing in Israel, I would try my utmost not to embarrass his good name. I recall, at the time, telling the Rav that I thank God for being a *Talmid* of the Rav and not a *Hassid* of the Rav. In Hassidic circles, the Rebbe’s “advice” was a determining factor on personal decisions. The Rav never wanted to serve in such a capacity. He believed that his students had the right to decide on personal matters even against his “advice.” As a matter of fact, the Rav had an overall negative opinion on the doctrine of “*Da’at Torah*”—the attitude developed by R’ Elhanan Wasserman, *Hy”d*, and the *Hafetz Haim*, *zt”l*—which grants Talmudic scholars “Torah wisdom” in general areas of life such as medical issues, politics, and the weather. Questioning the Rav on his thoughts concerning “*Da’at Torah*,” he responded: “When you figure it out, come back and tell me.”

