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INTRODUCTION

The Midrash (*Shir ha-Shirim Rabbah* 7:3:2) states:

THY BELLY IS LIKE A HEAP OF WHEAT, SET ABOUT WITH LILIES . . . R. Levi said: It often happens that a man takes a wife when he is thirty or forty years old, and after going to great expense he wants to associate with her. Yet, if she says to him, "I have seen a rose-red speck," he immediately keeps away from her. What made him keep away from her? Was there a wall of iron between them, or a pillar of iron, or did the serpent bite him, or did a scorpion sting him that he should keep away from her? It was only words of Torah which are as soft as a lily, since it says concerning her, *And you shall not approach a woman . . . as long as she is impure by her uncleanness* (Leviticus 18:19). So, too, if a dish of meat is laid before a man and he is told that some forbidden fat has fallen into it, he leaves it alone and will not taste it. Now, who stopped him from tasting it? Did a serpent bite him that he should not taste it? Or did a scorpion sting him that he should not taste it? It was words of Torah which are as soft as a lily, because it is written, *You shall eat neither fat nor blood* (Leviticus 3:17).

This striking, well known text serves as a classic example of the discipline demanded by Torah law. There is no objective external factor which militates against a person consummating his relationship with his wife or enjoying his own food; it is only his voluntary submission to the dictates of the Halakhah which holds him back under certain clearly defined and proscribed circumstances.

In one of his precious few articles, the late great Rabbi Yosef Dov Halevi Soloveitchik, *zekher zaddik li-verakhah*, cited this midrashic statement as proof of his thesis that "the Halachic catharsis expresses itself in paradoxical movement in two opposite directions—in surging forward boldly and in retreating humbly." With characteristic drama and vividness, he wrote:

Bride and bridegroom are young, physically strong and passionately in love with each other. Both have patiently waited for this rendezvous to take place. Just one more step and their love would have been fulfilled, a vision realized. Suddenly the bride and groom make a movement of recoil. He, gallantly, like a chivalrous knight, exhibits paradoxical heroism. He takes his own defeat. There is no glamour attached to his withdrawal. The latter is not a spectacular

gesture, since there are no witnesses to admire and to laud him. The heroic act did not take place in the presence of jubilating crowds; no bards will sing of these two modest, humble young people. It happened in the sheltered privacy of their home, in the stillness of the night. The young man, like Jacob of old, makes an about-face; he retreats at the moment when fulfillment seems assured.¹

The life of halakhic discipline, continued the Rav, zt"l, extends also to the realm of emotions. For example, Halakhah did not allow Aaron the High Priest to mourn for his sons (Leviticus 6:7) although it would have been most natural and appropriate for him to do so, and it also insists that a mourner who buried a beloved family member on erev Yom Tov celebrate the arriving holiday with joy and festivity. "The Halacha, which at times can be very tender, understanding and accommodating, may, on other occasions, act like a disciplinarian demanding obedience," wrote the Rav, zt"l. In a word, "halakhic man," by definition, compels himself to submit to the authority of Halakhah.²

A number of different components constitute that "Halakhah" which is vested with such normative and authoritative status in Jewish tradition. They include the *Torah she-bikhtav* (sacred text), *Torah she-be'al peh* (tradition), the rulings of the *bet din ha-gadol* (institution), and *talmidei hakhamim*.³ A particularly sharp formulation of this wide-ranging authority of *talmidei hakhamim* or "*zaddikei ha-dor*" can be found in the nineteenth century biblical commentary of Rabbi Solomon Rabinowicz (1803-1866), the Rebbe of Radomsk. He wrote that *emunat hakhamim* (trust in Torah scholars) requires one "to have faith in the words of the *zaddikei ha-dor* . . . regardless of what they say and advise, even of a voluntary nature (*bi-devar ha-reshut*), and even if it runs contrary to simple logic. . . . As he will decree, so shall it be fulfilled in every respect, even in matters pertaining to this world . . . in business and the like. In this way will redemption come, speedily, in our days."⁴

In recent times, attitudes towards the notion of authority have moved in two opposite directions. In general society, the phenomena of individualism, egotism, political correctness, and the emphasis on extreme personal self-actualization have run rampant, wreaking havoc with the notion of submission to any kind of externally imposed authority. A society which had been generally governed by the norms of "and you shall scrupulously observe all they have instructed you" (*ve-shamarta la'asot ke-khol asher yorukha*; Deuteronomy 17:10) has turned into one in which "every man did as he pleased" (*ish ha-yasher be-enav ya'aseh*; Judges 17:6, 21:25).⁵

And yet, while society at large rebels against authority, "traditionalist" segments within the Orthodox community (both hasidic and non-hasidic) have significantly broadened the parameters of the authority to which they are prepared to subject themselves.⁶ Instead of rejecting authority almost as

a matter of course, these Jews exhibit what Kenneth D. Wald, Dennis E. Owen and Samuel S. Hill Jr. have called "authority-mindedness," or "an ideological commitment that values authoritativeness and obedience as a matter of principle."⁷ Not only do they share with other committed Jews a fealty to the authority of Halakhah as defined above, they seek to expand their submission to authority in personal, political and other non-halakhic realms as well, severely limiting or even negating the possibility and legitimacy of personal autonomy.

It is against the backdrop of these two conflicting tendencies in contemporary times that we offer this special issue of *Tradition* dealing with the overall theme of rabbinic authority. The articles presented here address a variety of issues relating to this general topic: the binding nature of rulings and enactments made through *ru'ah ha-kodesh* (the divine spirit) and those legislated by the *bet din ha-gadol*; the authority of a "*gadol ha-dor*" or *mara de-atra*; a philosophical analysis of rabbinic authority; what are the parameters of the biblical commandments of "*lo tasur*" ("you shall not deviate from the words that they will tell you, neither to the right nor to the left; Deuteronomy 17:11) and of the commonly accepted notions of *emunat hakhamim* and *da'at Torah* (the Torah position)?; how binding and authoritative is halakhic precedent for a contemporary *posek*?; is there such a thing as objective halakhic "truth" which reflects the divine will?; does the authoritative status of rabbinic writings apply also to non-halakhic areas?; are rabbinic writings infallible?; is there an allowance granted for personal autonomy in matters of *hashkafah*, and even halakhah? It is my hope that the ideas presented here will advance the level of discussion of these subjects, *li-hagdil Torah u-li-ha'adirah*.

I would like to express my thanks to Rabbi Emanuel Feldman for allowing me the opportunity to guest edit this special issue of *Tradition* and for his extraordinarily careful and meticulous review of all the articles printed here; to Dr. Joel Wolowelsky for his active involvement in all stages of the preparation of this issue; and to all the authors whose work appears here. It has been a real pleasure working with them.

NOTES

1. See R. Joseph B. Soloveitchik, "Catharsis," *Tradition* 17:2 (Spring, 1978): 45-49. An earlier version of this essay, which the Rav, zt"l, delivered as a lecture in 1962, was printed in Joseph Epstein, ed., *Shiurei Harav* (New York, 1974), 71-74.
2. *Ibid.* See also *idem.*, "Majesty and Humility," *Tradition* 17:2 (Spring, 1978): 35-37, where the Rav noted how fealty to the halakhic system demands, on occasion, "human surrender and human defeat." In his *Halakhic Man*, trans. Lawrence Kaplan (Philadelphia, 1983), 59, he wrote: "The Halakhah wishes to objectify religiosity . . . though the structuring and ordering of the inner correlative in the realm of man's spirit. The Halakhah sets down statutes and erects markers that serve as a dam against surging, subjective currents coursing through the universal *homo religiosus*, which, from time to time, in its raging turbu-

lence sweeps away his entire being to obscure and inchoate realms." Yet, as the Rav, zt"l, noted later, halakhic man feels no conflict between the demands of the law and his own inner needs. Rather, he represents "a merging of the norm with the individual, and a union of an outside command with the inner will and conscience of man" (pp. 64-65). The surrender or submission to the authority of the law comes naturally and easily to him.

3. *The Encyclopedia of Religion*, ed. M. Eliade (New York and London, 1987), Vol. 2, 1 lists five major sources of religious authority: persons, sacred writings, traditions, religious communities and personal experience. Obviously they do not all enjoy equal significance in Judaism, or, for that matter, in any other religion.
4. R. Solomon Rabinowicz, *Sefer Tiferet Shlomo* (Pietrkov, 1889), 53b. I have deliberately chosen this text because, to the best of my knowledge, it is not found in the literature on this subject.

For other references to this idea in R. Rabinowicz's works, see Mendel Piekarcz, *Hasidut Polin: Magamot Ra'ayoniyot ben Shetei ha-Milhamot u-be Gezerot 1940-1945 ("ha-Shoah")* (Jerusalem, 1990), 86-87.

This principle of "emnat hakhamim" or "da'as Torah" has its parallels in Max Weber's notion of "charismatic authority" which he defines as "devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him." See Max Weber, *The Theory of Social and Economic Organization*, ed. Talcott Parsons (New York, 1947), 328. See also *ibid.*, 358-73; H. H. Gerth and C. Wright Mills, ed., *From Max Weber: Essays in Sociology* (New York, 1946), 245-52. See also John Niles Bartholomew, "A Sociological View of Authority in Religious Organizations," *Review of Religious Research* 23:2 (December, 1981): 121 who notes that, "Weber's concept of charismatic authority admits of the possibility of mystery or of elements of authority that are not rational."

5. For the pervasiveness of individualism in American culture as well as its dangers for society at large, see C. Eric Mount, Jr., "American Individualism Reconsidered," *Review of Religious Research* 22:4 (June, 1981): 362-76.

It is precisely this submission to authority, especially to that of the oral tradition, which is "the major intellectual problem" faced by *ba'alei teshuvah* who are raised as part of this general secular society. See M. Herbert Danzger, *Returning to Tradition: The Contemporary Revival of Orthodox Judaism* (New Haven and London, 1989), 168.

6. M. H. Danzger, 164.
7. See Kenneth D. Wald, Dennis E. Owen, and Samuel S. Hill Jr., "Habits of the Mind? The Problem of Authority in the New Christian Right," in Ted G. Jelen, ed., *Religion and Political Behavior in the United States* (New York, Westport and London, 1989), 93-108, esp. p. 95.