

Rabbinic Authority and Personal Autonomy

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A HISTORICAL EPILOGUE⁸⁵

On January 17, 1944, the Belzer Rebbe, Rav Aaron Rokeah, together with his brother Rav Mordecai—after having escaped in May 1943, from the ghetto of Bochnia in Western Galicia to Hungary—left Budapest for the land of Israel, using immigration certificates reserved for veteran Zionists. One day earlier, Rav Mordecai, “with the approval and as the agent of his brother,” delivered a major farewell sermon “in the great hall of the *Kahal Yereim* of Budapest,” in the presence of “a large audience of thousands of Jews together with great rabbinic scholars and the leaders and prominent men of the city and country.” This sermon was printed as a special brochure, *ha-Derekh*, on February 7, 1944, and was reprinted about a month later, “since the first printing has sold out in a few days and from all camps and quarters requests are forthcoming for *ha-Derekh*.” At about the same time as the second printing, an abridged version of the sermon was published under the title *Matzmiah Yeshuah* (*The Flowering of Redemption*), for as the publisher stated, “Its content befits its name, for this entire farewell address is filled with promises for the future and encouragement for the present. . . . And we, believers the children of believers, are certain that the promises of the *tzaddik*, the *gadol ha-dor* [the Belzer Rebbe], will be fulfilled for us; and certainly it has been revealed to him from heaven that the end of our troubles is nigh.”

In the sermon, Rav Mordecai deals with the concern raised by “many people of weak hope and faith” that the Nazi destruction of Polish and Galician Jewry as well as the Jewry of other lands

⁸⁵All the primary sources cited in the epilogue are taken from the last chapter of Piekarz, *Hasidut Polin*, 373–434. We have, however, retold this harrowing story in our own way and for our own purposes. For an important recent study that partially overlaps with Piekarz, see Menahem Friedman, “The Haredim and the Holocaust,” *Jerusalem Quarterly* 53 (Winter 1990): 86–115. Friedman’s article, among other things, clearly delineates the various stages in the historical development and emergence of the current “official” *Daas Torah* view regarding the Holocaust.

disproved the anti-Zionist policies of the hasidic and nonhasidic separatist Orthodox leaders and proved the Zionists to be correct. “For had our leaders, the *Gedolei Yisrael* and *tzaddikei ha-dor*, adopted another approach, and had they anticipated the evil times that have befallen the world and taken care for the future and survival of the nation *as did others*, and had they occupied themselves with its salvation, then certainly many would have been spared extinction and the sword of the destroyer.”

Rav Mordecai admits that on the surface this argument would seem to be borne out by the historical events. However, he claims, it is precisely this apparent substantiation of the Zionist argument that is, in truth, a divine trial sent by God to test the faith of the believer. For, historically, there have been two types of Jewish leadership: the true leadership of the *Gedolei Yisrael* and *tzaddikei ha-dor* and the false leadership of the “priests of Baal,” its present incarnation being the secular [and religious?] Zionist leaders. To criticize, then, in any way, the wisdom or policies of the true leaders and to imply that the false leaders, on a particular issue, may have been more farseeing, is to side with the priests of Baal and to desecrate the sancta of Israel. Rav Mordecai, therefore, condemns those heretics and even those who are “simply led astray,” all of whom “criticize the *tzaddikei ha-dor* in a time of trouble.” Rather, “we have naught to do but rely on our Father in heaven and to strengthen our belief in Him, may He be blessed, and our belief in the *tzaddikim*.”

In this part of the sermon, then, Rav Mordecai, as Rav Dessler would do at a later date, used the doctrine of *Daas Torah*—in his case a hasidic version of the doctrine—to defend the *Gedolim* and *tzaddikim* against the accusation that, as a result of their anti-Zionist policies, they had not done enough to encourage Jewish emigration from Europe to the land of Israel.

Of particular interest, however, is the next part of Rav Mordecai’s sermon, the part containing “the promises of the *tzaddik*” to which the publisher of *Matzmiah Yeshuah* referred. Here, in a passage of twenty-two lines, a passage which because of its impor-

tance appeared in the second printing in boldface, Rav Mordecai responds to the accusation that he and his brother were abandoning their flock in a time of trouble. Already in October 1943, Rav Yissacher Teichtel, writing in Budapest, described in his work *Eym ha-Banim Semeihah* "the fear and dread that hangs over us when all the *Admorim* of our country are attempting to flee to the land of Israel for fear of the danger of the oppressor; and they do not take into account the fact that by so acting they are causing the spirits of the Jews to sink, when they hear the multitude murmuring: 'The Rebbes are fleeing and what will be with us?'"

This is how Rav Mordacai responded:

I wish to inform and enlighten you concerning the murmurings of many who are afraid and seized with trembling and . . . worried about the future. They are saying that perhaps, heaven forbid, some danger is hanging over the land and that my brother, the *tzaddik* of the generation, Shlit" a sees the future and for that reason is traveling to the land of Israel, for it is there that God ordained the blessing, "And I will give peace in the land" [Leviticus 26:6]. He, therefore, is going to a place of rest and tranquility and has left us, heaven forbid, to sorrow. What will be our end? Who will protect us? Who will save us? Who will pray for us and intercede on our behalf? Therefore, it is my obligation to let you know, my dear colleagues, sages of Hungary, the truth, that whoever is close to and a member of the circle of my brother . . . Shlit" a knows for certain that he is not going in flight or running away in haste, as if he wished to flee from here. Rather his entire longing and desire are to ascend to the holy land, which is sanctified with ten levels of holiness. And I know that for a long time he has been yearning greatly for the land of Israel. His heart's desire and the yearning of his holy soul are to ascend to the city of God, there to arouse [God's] mercy and grace on the entire community that they should know no more sorrow, and the remaining camp will be spared, and soon there will be fulfilled, "I will cut off the horns of the

wicked, but the horns of the righteous will be exalted" [Psalms 75:11]. And this is alluded to in the verse, "And he saw the resting place that it was good and the land that it was delightful" [Genesis 49:15]. It would seem that the intention [of the verse] is, "And he saw the resting place" [*menuhah*,] the *tzaddik* sees that rest and tranquility will descend upon the inhabitants of this land [i.e., Hungary], "that it was good" [*ki tov*,] that the *tzaddik* sees that good, and all good, and only good and grace [*ki tov, ve-kol tov, ve-akh tov ve-hesed*] will befall our Jewish brethren, the inhabitants of this land [i.e., Hungary], "and the land," the reason why the *tzaddik* desires to ascend to and settle in the land is "for it is delightful," for it is there that the supernal delight dwells.

On March 19, 1944, just over two months after the farewell sermon in which the *tzaddik* had foreseen that "good, and all good, and only good . . . will befall our Jewish brethren, the inhabitants of this land," and one month after the abridged version of the sermon, *Matzmiah Yeshuah*, was printed, one month after the publisher of the abridged version stated, "We, believers the children of believers, are certain that the promises of the *tzaddik* and *gadol ha-dor* will be fulfilled for us," the Germans occupied Hungary. On May 14, less than four months after the farewell sermon, the mass deportations of Hungarian Jews to the extermination camps began. Toward the end of May, Rebbetzin Hayya Halberstam, the widow of Rav Avraham Halberstam, the Admor of Stropkov, was deported from Kashau to Auschwitz. There she and her son were murdered on May 25. Shortly before her death, a SonderKommando, who himself later perished, recorded her last words.

I see the end of Hungarian Jewry. The government had permitted large sections of the Jewish community to flee. The people asked the advice of the *Admorim* and they always reassured them. The Belzer Rebbe said that Hungary would only endure anxiety. And now the bitter hour has come, when the Jews can no longer save themselves. Indeed, heaven

concealed [this fate] from them, but they, themselves, fled at the last moment to the land of Israel. They saved their own lives but left the people as sheep for slaughter. *Ribbono shel olam!* In the last moments of my life I set my plea before You that You pardon them for this great *hillul ha-shem*.

In 1967, two hasidic writers, Rabbis Bezalel Landau and Nathan Ortner, in their book *ha-rav ha-kadosh Mi-Belz*, reprinted the entire farewell sermon of Rav Mordecai, with the exception of this entire twenty-two-line passage. In place of this passage, they included the following comment. "Here the Gaon and Tzaddik, the Rav of Bilgoray [Rav Mordecai], explained the desire of his brother, the holy Gaon, to ascend to the land of Israel, based on the verse, 'And he saw the resting place that it was good and the land that it was delightful.'"

This convenient omission has allowed the "authorized" hasidic historians of the Belzer dynasty to write how the Rebbe and his brother "on more than one occasion warned the Jews of Hungary not to deceive themselves with illusions and not to be at ease regarding their situation. The Polish experience demonstrated that the Nazi horror was just as dangerous in its time of downfall as it was in its time of triumph." Indeed, on one occasion Rav Mordecai, according to one hasidic historian, even warned a delegation representing a Hungarian Orthodox community: "Know that the Germans are right behind us and any day we must be afraid of a German invasion." However, this historian continues, "The Jews of Hungary did not wish to understand and refused to engage in an accounting of their future."

Indeed, the career of *Daas Torah* is by no means over.

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Subjectivity in Rabbinic Decision-Making

Aaron Kirschenbaum

The following examination of the subjective element in *pesak* will focus mainly on the "civil law" component of the *halakhah* (*Hoshen Mishpat* and, to a lesser degree, *Even ha-Ezer*). As shall be shown, however, many of the observations are equally valid regarding the "religious" *halakhah* (*issur ve-heter: Even ha-Ezer, Orah Hayyim, and Yoreh De'ah*).

Using the *legal* concept of "equity," the inner mechanism of the law that makes for flexibility in its interpretation and application, we wish to show (1) the central role of the rabbi in mediating between formalism and flexibility in the *halakhah*, (2) the presence of subjectivity in their equitable activity, and (3) the crucial forma-

This chapter is a reworking of some of the ideas I developed in my *Equity in Jewish Law* (2 vols.; New York: Yeshiva University Press and Ktav Publishing House, 1991), which should be consulted for elaboration of details.