Emunat Hahamim, Da’at Torah, and National Security

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Da’at Torah, the notion that leading decisors can issue binding opinions on matters outside the scope of halakha, or Jewish law, is a central concept that distinguishes Hareidim from their Modern Orthodox brethren. The former accept *da’at Torah* as a given; the latter do not. The term as it is currently understood is of relatively recent vintage[1] and has been conflated with the talmudic concept of *emunat hahamim*, belief in the Sages. This essay will examine whether either of these notions can be applied to matters of national security, whether in Israel, or for that matter, the United States and elsewhere.

***Emunat Hahamim*: The Haham**

Chapter Six of the Talmud’s Tractate *Avot*, popularly known as *Pirkei Avot* (Ethics of the Fathers) lists *emunat hahamim* as the twenty-third of the forty-eight characteristics with which one “ acquires” Torah. It does not define what it means by *emunah* (belief). Similarly, the eighth chapter of the small tractate known as *Kallah Rabbbati*, a collection of uncanonized texts (*braitot*) that incorporates virtually all of *Pirkei Avot*'s sixth chapter, likewise offers no explanation for what the term connotes.[2] Presumably, the authors assumed that their readers were familiar with the concept and that no further explanation was necessary.

It is noteworthy that the Talmud considers a haham to be superior to a prophet and endowed with a form of prophecy. Thus,

R. Abdimi from Haifa said: Since the day when the Temple was destroyed, prophecy has been taken from the prophets and given to the Sage.... Amemar said: A Sage is even superior to a prophet, as it says, "And a prophet has a heart of wisdom."[3] Who is compared with whom? Is not the smaller [i.e. the prophet] compared with the greater [i.e. the Sage]?

***Emunat Hahamim* Defined**

Perhaps the earliest interpretation of the term *emunat hahamim* appears in *Mahzor Vitry*, whose author was the eleventh-century student of Rashi, R. Simcha ben Shmuel of Vitry. R. Simcha explained the term to mean "who believes in their words, unlike the Sadducees and Boethusians."[4] Since the latter were movements that rejected the Oral Law, the term seemed to connote nothing more than belief in that law.

Maimonides, who flourished a century after R. Simcha, situated *emunat hahamim* in the context of service to the Almighty out of love, rather than for a reward, much as Antigonus of Soho advises in the first chapter of *Avot*.[5] As Maimonides writes, "All that you do you should only do from love…for it is the objective of the mitzvoth and the basis of *emunat hahamim*."[6] Interestingly, the term does not uniformly appear in all versions of Maimonides' commentary. In the Vilna Shas, still the standard version of the Talmud, the text reads: "for it is the intent of the Torah and the basis for the intent of our Sages, peace be with them." In any event, it does not appear that Maimonides was referring to belief in the rabbis themselves, however, nor, given his focus on mitzvoth, did he seem to imply that every rabbinical pronouncement demanded unquestioning belief.

Maimonides' grandson, Rabbi David ben Avraham (thirteenth century), also addressed the term in his own commentary on *Avot*. He wrote,

[T]he Torah is also acquired through *emunat hahamim*, who are so learned that they can explain to us matters, its hidden matter, and the scholar (*talmid haham*) and his counterparts among all sons of Israel will adhere to their words in faith and will acclaim that they are the truth and their words are the truth.[7]

Unlike his grandfather, R. David seemed to be saying that any pronouncement by the Sages was to be accepted without hesitation. On the other hand, when referring to the Sages, he clearly had those of the Talmud in mind. Indeed, in asserting that scholars should "adhere to their words," he must have meant that those "scholars" did not command the same level of total belief in all of their utterances as had their predecessors, the Sages.

R. David's near contemporary, R. Menachem Meiri, offered a slightly different definition of *emunat hahamim*. He viewed it as "belief in all the pronouncements of the Sages of the Torah, even if one cannot fully comprehend them."[8] While his statement might be taken to imply all Sages at all times, in general, the term "Sages of the Torah" connotes the rabbis of the Talmud and Midrash.

Two centuries later, R. Don Isaac Abrabanel offered two novel perspectives on the concept. First, he observed that *emunat hahamim* connotes

that if [a decisor] hears of some ruling issued by the remaining decisors of that generation that appears to him to be faulty, he should not jump to dispute them, because he must consider whether their ruling was mandated by special circumstances *(tzorekh sh'ah*), or for some valid reason they diverged from standard law, and he must [therefore] believe that they had a broader perspective on the matter.

In addition, he noted that while in general, the halakha follows later decisors (*halakha k 'batra'ei*), that only would apply if the earlier decisors were not aware of the logic that drove the opinion of the later ones. But if they were indeed aware of the rationale in question, and elected to ignore it, then "it is appropriate for the Sage to *believe* [my emphasis] in the earlier Sages," that is, to accept their ruling.[9] In neither case did Abrabanel indicate that one had to believe in meta-halakhic rabbinical pronouncements.

If anyone should have argued for the application of *emunat hahamim* to matters outside those of halakha, it should have been Abrabanel, who held official or quasi-official positions in the courts of Alfonso V of Portugal, Ferdinand of Aragon and Isabella of Castile, and Ferranto I and Alfonso II of Naples.[10] Yet Abrabanel went no further than to assert that

one who immerses himself in Torah for its own sake becomes a leader in all his ways and his views will be accepted, even if he states that what is right is left and what is left is right, because rulership belongs to the Sages of the generation, who will instruct them as to what they should do.[11]

Abrabanel's point was that the rabbis' decrees had to be followed; he did not, however, argue that those decrees could apply to non-halakhic matters, such as those he dealt with throughout his political career. Nor is it evident that when acting in a governmental capacity, he consulted other rabbis, or even earlier halakhic rulings, before making policy recommendations to the sovereign.

Emunat Hahamim and *Da'at Torah*

It is noteworthy that none of the foregoing medieval commentators employed the term *da'at Torah*. Moreover, even in the context of *emunat hahamim*, there was considerable ambiguity as to whether rabbinical dictates applied to non-halakhic matters.[12] The term *da'at Torah* actually made its first appearance in the Talmud, in a discussion involving a dictum by R. Judah regarding whether the prohibition against eating the sciatic nerve applied to either hip or only the right hip. R. Judah was of the latter view and the Talmud asked whether R. Judah had reached his conclusion on the basis of reasoned interpretation of Torah (i.e., *da'at Torah*) or the probable meaning of the biblical injunction. Clearly, *da'at Torah* in this context had nothing whatsoever to do with extra-halakhic issues.

Several *rishonim*, rabbis of the Middle Ages, including leading halakhic decisors such as R. Meir of Rothenberg (1219–1293), known by his acronym *Mahara"m Rotenburg*; R. Joseph Colon, known as *Mahari"k* (1420–1480); and R. Samuel de Medina, known as *Maharashd"m* (1505–1589) did write of *da'at Torah*.[13] However, none employed the phrase in the sense of a rabbi drawing upon some form of prophecy that enabled him to pronounce on matters of all kinds.

In practice, until the nineteenth century, many Torah scholars did not speak of *da'at Torah* in the context of *emunat hahamim* either, although they sought to apply the latter principle to rabbis of all

generations. For example, R. Yosef Hayyim of Baghdad, the leading halakhic decisor for Iraqi Jewry in the nineteenth century, asserted that although prophecy was in some respects superior to *ruah haKodesh*, the holy spirit, the latter was a form of divine revelation, that could descend upon a wise man at any time, in any place, without any special preparation such as that required for prophecy.[14] The implication, of course, was that it was not only the rabbis of the talmudic era upon whom the holy spirit might descend. Yet, like his medieval predecessors, R. Yosef Hayyim did not employ the term *da'at Torah*.

R. Shlomo Rabinowicz (1801–1866) was perhaps one of the earliest scholars explicitly to expand the notion of *emunat hahamim* to belief in the power of contemporary rabbis to pronounce definitively on matters outside the purview of halakha. He asserted that

the essence of *emunat hahamim* is to believe in the words of the wise men of that generation who are imbued with the spirit of Hashem and this applies to any matter upon which they pronounce or advise…even in this-worldly matters and advice to people in current issues such as business and the like.[15]

R. Shlomo was the first Hassidic *rebbe* of Radomsk. His views reflected what over time became an essential element of Hassidism: belief that the *rebbe* (or *tzaddik*, as the *rebbe* was often termed) was a source of advice on all matters, be they regarding business, family issues, halakha, or anything else. R. Shlomo did not, however, actually employ the term *da'at Torah*. On the other hand, when Ashkenazic decisors, notably R. Akiva Eiger and R. Moses Sofer, better known as *Hatam Sofer*, did refer to *da'at Torah*, it was not at all evident that they viewed it in the same expansive terms that R. Shlomo had applied to *emunat hahamim*.[16]

Nevertheless, *da'at Torah* certainly did seem to be the natural corollary of *emunat hahahim*. After all, if one were to believe that the leading rabbis of one's own generation were blessed with *ruah haKodesh* regardless of the issue at hand, then, by definition, their views on any subject reflected the Torah view. And that Torah view, *da'at Torah*, would demand acceptance even if, in Abrabanel's words, it mandated "that what is right is left and what is left is right."

By the end of the nineteenth century, the Hassidic notion of an all-knowing *rebbe* began to be adapted to, and adopted by, the non-Hassidic yeshiva world. Initially, the idea that rabbinic wise men could pronounce on matter of all sorts was widely promulgated by the Agudas Yisroel party, which variously functioned as a movement and a political party that claimed to receive binding guidance from a body called *Mo'etzes Gedolei HaTorah*, or the Council of Torah Sages.[17] R. Yizkhak Me'ir HaKohen, known as *Hofetz Hayyim* (the title of one his many works), who was the Council's first leader and Aguda's ultimate authority, is reported to have explained *da'at Torah* (or, as he would have pronounced it, *da'as Torah*), in almost identical terms as the Rebbe of Radomsk defined *emunat hahamim*: "The person whose view is the view of the Torah [*Da'as Torah*] can solve all worldly problems, both specific and general."[18] Yet even the Hofetz Hayyim delimited its reach. Only someone who was hermetically sealed off from all externalities was eligible to make binding pronouncements on non-halakhic matters, something virtually impossible in an age of mass communications.[19]

It was only in the course of its revival in the aftermath of the Holocaust, and particularly with the creation of the State of Israel, that the Hareidi world conflated *emunat hahamim* and *da'at Torah*, asserting that its leading rabbis, who invariably were *rashei yeshiva*, deans of yeshivot, were endowed with *ruah haKodesh*.[20] The leaders of Israel's Ashkenazic Hareidi community, notably R. Abraham Isaiah Karelitz, known as *Hazon Ish*, and after him R. Eliezer Shach, as well as other Hareidi

expositors both inside and outside the State of Israel, went to great lengths to articulate the view that the Torah perspective was the final arbiter of all matters of Israeli policy, because one was commanded to have faith in the Torah leaders of the day.

The combination of these concepts is now being applied not only to pronouncements by Councils of Sages regarding government policy, which are automatically adopted by Israel's Agudat Yisrael and Shas parties, but also by both deans and senior instructors of yeshivot to all manner of issues brought to them by their students, acolytes, and followers. The notion that one must turn to a yeshiva *rebbe* for mandated instruction on everything from which career (if any) to pursue to whom one should marry, has not been without its critics. These generally have emanated from the Modern Orthodox community, including the leaders of its yeshivot.[21]

Personal matters notwithstanding, the logical conclusion that might be drawn from the Hareidi world's emphasis on *da'at Torah* and *emunat hahamim* is that the State of Israel should not make any decisions in the realm of national security, military operations, and even military tactics without the explicit approval of Torah Sages, be they Sephardic or Ashkenazic, or perhaps both. One may well question, however, whether such matters should be decided by men (they are always men) who not only have no experience outside the walls of the yeshiva, but generally avoid having anything to do with the military, whether in Israel, where so many leading figures are bitterly opposed to service in the Israel Defense Forces, or elsewhere in the Free World.

Much of the halakhic literature regarding military issues has been penned by rabbis of the National Religious (*dati-leumi*) community, whose men have a record of military service stretching back to the founding of the State. Indeed, many of these rabbis themselves have served in the IDF. While National Religious rabbis have devoted most of their attention to the day-to-day religious challenges that young soldiers confront, some have also addressed questions of security, strategy, and operations. However, the *dati-leumi* community at large, in common with its Modern Orthodox counterparts in the Diaspora, while highly respectful of its rabbinate's views, has not universally accepted the notion that *emunat hahamim* calls for blind acceptance of rabbinic pronouncements because those are *ipso facto da'at Torah*.[22] Indeed, the history of rabbinic interventions in matters of security policy and military strategy appears to validate the *dati-leumi*/Modern Orthodox perspective on the nature, and limits, of rabbinical authority as it applies to these issues.

The Historical Record

An early example of rabbinic influence upon national security matters was R. Akiva's disastrous support of Bar Kokhba. R. Akiva was recognized as the leading Sage of his generation; he, more than anyone, might have been presumed to have *ruah haKodesh*. Yet tragically he was wrong.

R. Akiva was fully convinced that Simon bar Koseva was the Messiah. Indeed, it was he who named him Bar Kokhba, from the passage in Bil'am's blessing of Israel. His great student, R. Simeon bar Yohai observed that when R. Akiva would see Bar Kokhba, he would say: "This is the King Messiah."[23] Furthermore, Maimonides records that R. Akiva was so taken by Bar Kokhba that he served as his *aide de camp*,[24] which would indicate that he may have accompanied his hero into battle.

R. Akiva was prepared to overlook Bar Koseba's faults, of which there were several. These included his purportedly saying, "Master of the universe, there is no need for you to assist us [against

our enemies], but do not embarrass us either!"[25]—hardly a statement one expected from the Messiah. Bar Kokhba also appears to have insisted that his troops cut off a finger to prove their bravery, a practice that earned him rabbinical rebuke.[26] Finally, the Talmud relates that he killed his maternal uncle, R. Elazar Hamoda'i, after suspecting him of collaborating with the enemy. As a result, he lost the divine protection, which he in any event had not asked for, but which led to his death during the defense of Betar, which the Romans destroyed.[27]

R. Akiva encountered opposition from his own colleagues, however, and his admiration of Bar Kokhba was rejected by future generations. R. Simeon bar Yohai also related that whenever R. Akiva hailed Bar Kokhba as the Messiah, R. Johanan ben Torta would tell him: "Akiva, grass shall grow from your cheeks, and yet the son of David shall not appear."[28] R. David Ibn Zimra, known as Radba"z, appears to indicate that R. Johanan was not alone. As he put it, "there is no doubt that there was a dispute between the rabbis. Some believed that he was the messiah and some did not."[29]

Nine hundred years later, R. Ismail ibn Nagrela, known to Jews as R. Shemuel haNagid, whose great work, *Mavo haTalmud* (Introduction to the Talmud), is incorporated among the commentaries printed in the Vilna Shas, served as Grand Vizier of Granada in addition to leading the Spanish Jewish community. It was in the former capacity that he commanded the army of Granada on behalf of the king in constant battles during the years 1038–1056. R. Shemuel scored numerous victories; and he credited God for supporting his efforts. Yet nowhere did he assert, or has it been asserted by others, that it was his expertise in Torah, much less *ruah haKodesh,* that determined the operations and tactics that resulted in his success on the battlefield.[30]

Four hundred years after R. Shemuel flourished in Granada, Don Isaac Abrabanel likewise was both leader of his community and a senior court official. Yet his erudition as a Torah scholar, and, for that matter, his acumen as a financier and court official, nevertheless failed him at a crucial time. He did not recognize the clear indications of the perilous state of Spanish Jewry; that "the days of the Jews of Spain were numbered."[31]

Abrabanel was not facing a military threat, nor was he a military leader like R. Shemuel. But the challenge that he confronted was no less one of Jewish national security. Even more than in the case of R. Akiva, who had no real experience in matters of governance, Abrabanel's expertise in Torah, even when combined with such experience, did not prevent his grievous political misjudgment just as it did not determine R. Shemuel's military triumphs.

Half a millennium later, Ashkenazi Jewry's pre-war religious leadership faced an even greater national security challenge. Like Abrabanel, they, too, were unable to comprehend the magnitude of the danger that threatened their community. Whether they were Hassidic leaders such as the Belzer Rebbe and his brother (respectively Rabbis Aharon and Mordehai Rokeach), or recognized scholars like R. Elhanan Wasserman, their Torah knowledge did not extend to their understanding of Europe's political dynamics. Both urged Jews not to leave Europe (though the Belzer Rebbe did just that). Because many pious Jews felt that *emunat hahamim* mandated that they follow the *da'at Torah* of their leaders, they remained in place, and were exterminated by the Nazis and their local supporters.[32] Apologists have offered up metaphysical reasons for the "blindness" of these rabbinic leaders, yet there is no denying that they simply did not have the secular expertise to render authoritative judgments regarding the situation in Europe. And, as the case of Abrabanel demonstrated, even if combined with secular expertise, mastery of Torah was no guarantee of accurate political analysis and forecasting.

The failure to recognize the threat to Jewish survival in Europe was not the only case where those to whom *da'at Torah* might be attributed were on the wrong side of history. The most vocal proponent of the concept, Agudas Yisroel, opposed the creation of the State of Israel until the eleventh hour before its establishment in 1948. Agudas Yisroel's American sister, Agudath Israel of America, opposed public demonstrations in support of Soviet Jewry counseling quiet diplomacy instead.[33]

They, too, were proved wrong.

The creation of the State of Israel, and of the Israeli Defense Forces, brought forth numerous issues relating to national security that simply had not been considered since the sealing of the Talmud early in the sixth century bce. As a result, *dati-leumi* rabbis have come to address matters on both a micro-level that all agree fall within the bounds of halakha, for example, how individuals should comport themselves on Shabbat while in the midst of military operations, as well as macro issues that arguably are outside halakha's scope. These include governance issues, as well as national security policy, military strategy to support that policy, and even operational issues that have emerged both during conflicts and peacetime. Over the decades, as the State of Israel has engaged in several wars, as well as confronted terrorism both within and outside its official boundaries, the number of issues, both on a micro-scale and at the macro-level that rabbis have addressed, have continued to increase.

Macro national security concerns have evoked conflicting responses from decisors and laypeople alike. Perhaps the most hotly debated issue facing contemporary Israel has been that of retention of the Occupied Territories/Judea and Samaria. Rabbinic leaders have positioned themselves on all sides of this issue, ranging from numerous *dati-leumi* rabbis, such as R. Shaul Yisraeli, who have advocated retention if not annexation of the territories, to those who would favor withdrawal from at least some of the West Bank, such as R. Ovadya Yosef, with the latter group dividing over the nature of circumstances that might mandate withdrawal. R. Yisraeli argued that, "In essence, relinquishing Jewish settlements to the enemy endangers life (*yesh sakanat nefashot*)."[34] On the other hand, employing the same principle of danger to life, R. Ovadya asserted, "If the chiefs of the military and its officers, together with expert officials, determine that there is a risk to life if the territories are not returned, we rely on them and permit the return of the territories."[35] Of course, military and intelligence officers likewise have been divided over the issue of returning territories, and those disagreements have not been resolved in the nearly three decades since R. Yisraeli and R. Ovadya published their views.[36] What, therefore, is *da'at Torah* in this case, even if one were to accept it as a governing principle?

Other security and military related issues have also prompted a variety of responses from leading rabbis, again begging the question of whose *da'at Torah* should be followed. Rabbis have debated whether IDF soldiers could defy orders to uproot army bases and/or settlements, whether deemed illegal by Israeli courts, or mandated by the government. Thus in mid-1995, a group of rabbis calling themselves the Union of Rabbis for the Land of Israel (*Ihud HaRabbanim Lema'an Eretz Yisrael*) led by former Ashkenazic Chief Rabbi Avraham Shapira, issued a halakhic ruling (*pesak*) that soldiers had to refuse orders to relinquish army bases in the West Bank to the PLO. On the other hand, the sitting Chief Rabbi, R. Yisrael Meir Lau, himself a leading halakhic decisor, stated on national television that it was "inconceivable to disobey orders."[37]

The same issue exploded again when Prime Minister Ariel Sharon ordered the withdrawal from Gaza in 2005. Once again, R. Shapira led the opposition, which included a petition by sixty rabbis, urging soldiers to defy orders to dismantle the settlements.[38] Again, other *dati-leumi* rabbis, while harboring concerns about the pullout, opposed any effort to discourage soldiers to disobey orders. Some eighty rabbis, including R. Shlomo Riskin, himself a settler, signed an open letter urging soldiers to obey an evacuation order.[39]

Similarly, subsequent to the First Lebanon War, rabbis debated whether the IDF should have permitted PLO fighters and their leaders to have escaped from Beirut, which it had surrounded. R.

Yehuda Gershuni compared the PLO to Amalek, and saw no reason to give its fighters an escape route.[40] Similarly, R. Dov Lishanski asserted that it was a positive commandment to besiege the PLO from all sides and to starve it out.[41] On the other hand, Chief Rabbi Shlomo Goren asserted that

There is an obligation (*hiyuv*) to leave a fourth direction (i.e., a corridor) open **in every conflict**…the practical halakhic conclusion (*ha'maskana **halakha lema'aseh***) is that in the siege of the terrorists in Beirut they [the IDF] were bound by the power of [Jewish] law to leave open a way for them to withdraw.[42]

R. Shaul Yisraeli, whose hard line on withdrawal from settlements was noted above, occupied the middle ground between the polar positions, arguing that while the law of *rodef*, killing a pursuer intent upon murder, applies to the terrorists, in practice, "the decision whether or not to permit an avenue of escape for the murderers is left to the sole discretion of military commanders and the government responsible for their actions."[43] Variants of all of the aforementioned issues continue to be debated by rabbis in books, journals, and in the media.[44] There is no rabbinical consensus on strategic security matters, any more than there is consensus among military leaders, particularly when they retire and are free to voice their opinions.[45]

Unless they have served in the military, rabbis simply are not conversant in the nuances of security policy and military operations despite their wealth of Torah knowledge. A case in point is the question of whether it is permitted to torture a captured terrorist. Several rabbis, among them R. J. David Bleich, permit torture in the case of a "ticking bomb," that is, when a captured terrorist might have information leading to another terrorist attack, whether the venue for such an attack is Israel, America, or elsewhere.

The matter is not that straightforward, however. R. Bleich asserts that

torture in the case of the ticking bomb…is designed purely and simply to elicit information and circumstances will rapidly demonstrate whether or not the information elicited in such a manner is accurate.[46]

His view is contradicted by both military and intelligence professionals who have actual wartime experience, however, including former prisoners of war who underwent torture. Among those who take the contrary position are Secretary of Defense Jim Mattis, a retired four-star Marine general with considerable combat experience in Iraq; Admiral Mike McConnell, a former Director of National Intelligence; and Senator John McCain. All have questioned the utility of torture under virtually any circumstances.

In any event, also at issue is whether the individual in question is indeed a "ticking bomb" at all. R. Bleich's casual assertion that "circumstances will rapidly demonstrate" the truth of a tortured terrorist's confession overlooks the likelihood that a trained, hardened terrorist would deliberately provide false information that actually would undermine efforts to prevent a future catastrophe. In addition, the terrorist may not be aware of changes in his/her organization's plans that may have been spurred by his or her capture.[47] Thus, while R. Bleich might provide theoretical halakhic guidance regarding torture, assessing whether a terrorist actually is a "ticking bomb" is entirely another matter, one that transcends halakha. Ultimately, R. Bleich's lack of practical experience, whether in policy or military matters, renders his judgment somewhat beside the point.

There is no doubt that at times what some would term *da'at Torah* was borne out by events. The Lubavitcher Rebbe confidently predicted that the first Gulf War would end before Purim, and that is exactly what happened.[48] The Rebbe also critiqued the Bar-Lev line, predicting that Israel should concentrate its forces in one place. In a sense he was correct; the onset of the Yom Kippur War demonstrated that the Bar Lev line was not an insurmountable barrier to Egyptian penetration of the Sinai Peninsula.[49] The Egyptian success was due to many other, more critical factors, however, especially the Meir government's failure to act upon the indications and warning that it had available from Israel's intelligence community.[50]

It should be noted that another of the Rebbe's positions, his opposition to the Begin government's negotiations with Egypt, proved to be misplaced.[51] Those negotiations led to a peace treaty with the Arab world's most powerful state that has remained in force for nearly four decades, and enabled Israel to fight several wars during that time without having to keep large forces deployed on its southern border. The Rebbe was a remarkable man, but by his own admission, his advice in national security matters was not *da'at Torah*.[52]

It is beyond the scope of this essay to examine whether *emunat hahamim* comes into play in all non-halakhic matters, for which its modern corollary, *da'at Torah*, must be the ultimate adjudicator. Nevertheless, the notion that *emunat hahamim* and *da'at Torah* should govern national security decisions collapses on multiple grounds. The record of those to whom it has been attributed, whether in ancient, medieval or modern times, is not one of great success. In addition, contemporary national security issues have prompted conflicting rabbinical responses, with the result that *da'at Torah* cannot be easily identified. Finally, *da'at Torah* might be valid in the abstract, but may not be practical as a basis for real-life decision-making. Wise rabbis have much to offer in the way of advice; *emunat hahamim* confirms that their views are always worthy of consultation, whatever the issue. But their writ should end there; in matters of national security, the final word must always belong to government and military decision-makers.

[1] As will be discussed below, the term itself does appear in the Talmud.

[2] *Kallah Rabbati*, 8:1. This *Braita* includes virtually the entirety of *Pirkei Avot's* sixth chapter. *Braitot*, and thus Chapter Six, were not incorporated by R. Judah the Prince into the Mishna.

[3] Ps. 90:12.

[4] Simcha ben Samuel of Vitry, *Mahzor Vitry*, ed. with commentary by Simon Halevi Horowitz (Jerusalem: 5723/1963), 560.

[5] *Avot* 1:3.

[6] Maimonides, *Peirush haMishnayot* (Commentary on the Mishna): *Sanhedrin*, 10, s.v. *Vekat Hamishit.*

[7] *Midrash David: Pirkei Avot im Peirusho shel Rabbeinu David Hanagid zt"l neched HaRambam zt'L/Midrach David sur les Pirke Avot de Rabbenou David Hanaguid, petit fils de Rambam*, trans. Jean-Jacques Gugenheim (Jerusalem: Machon HaKetav, 5753/1993), 258. Gugenheim, who summarizes R. David's words, translates *emunat hahamim* as "croire en la verite des paroles des Sages qui expliquent la Tora."

[8] R. Menachem ben Shlomo, *Beit Ha'Behira: Avot*, ed. with notes by Rabbi Binyamin Ze'ev Halevi Prague (Jerusalem: *Yad Harav Herzog/Machon Hatalmud Hayisraeli Hashalem*, 5724/1964), 110.

[9] *Pirkei Avot im peirush Hanesher Hagadol Rabbeinu Moshe ben Maimon v'im peirush Nahlat Avot me'Hasar Hagodol Rabbeinu Don Yitzhak Abrabanel ben Hasar Don Yehuda zt"l, hoter mIgeza Yishai beit Halahmi* (New York: Zilberstein/Hubert, 1953), 396. The phrase "right is left…left is right" is a variant of the biblical injunction in Num. 18:11.

[10] For a review of Abrabanel's political activities, see B. Netanyahu, *Don Isaac Abravanel: Statesman & Philosopher*, 5th ed. (Ithaca and London: Cornell University Press), especially 18–26, (Ithaca and London: Cornell University Press), especially 18–26, 49–53, 62–70.

[11] *Pirkei Avot…v'im peirush Nahlat Avot*, 379.

[12] For a discussion, see R. Yehuda Amichai, "*Da'at Torah B'Inyanim Sh'aynam Halachtiyim Muvhakim*," (Torah Opinion in Matters that Are Not Specifically Halakhic) *Tehumin* 11 (5750/1990), especially pp. 24–28.

[13] *Sh'eilot U'teshuvot Maharam Mi'Rutenberg* Vol. 4, (Prague, n.p., n.d.) no. 224*; Sh'eliot U'teshuvot Mahari"k, Shoresh* 28 (Jerusalem: Oraysoh, 5748/1988), 60; *Sh'eilot U'teshuvot Maharashd"m* vol I: *Yoreh De'ah*, 158 (n.p., n.d), 18.

[14] R. Yosef Hayyim, *Ben Yehoyada* vol. 3: *Bava Batra* (Jerusalem: Salem, 5758/1998), 294.

[15]R.Shlomo b. Dov Zvi Hakohen Rabinowicz, *Tiferet Shlomo* (Jerusalem: n.p. 5744/1984), 106.

[16] See for example, R. Akiva Eiger, *Hidushei R. Akiva Eiger*, TB *Temurah* 29a, sv, *uche'hai*; R. Moshe Sofer, *Hidushei Hatam Sofer*, TB *Bava Metzia* 94a, s.v. *d'mei'ikara*.

[17] Lawrence Kaplan argues that the Council of Torah Sages "was never really an active and functioning organization during the interwar period." Lawrence Kaplan, "Daas Torah," in Moshe Z. Sokol, ed. *Rabbinic Authority and Personal Autonomy* (Lanham: Rowan & Littlefield, 2006), 11.

[18] Cited in *ibid*., 8.

[19] Cited in Amichai, "*Da'at Torah*."

[20] A frequently cited example appears in a letter authored by R. Eliyahu Dessler and included in a posthumous collection of his writings that his students published. He wrote: "Whoever was present at their meetings [Hafetz Hayyim, R. Hayyim Brisker and R. Hayyim Ozer Grodzinski…could have no doubt that he could see the *Shekhinah* [divine presence] resting on the work of their hands and that the holy spirit was present at their assemblies….This is the Torah view [*Daas Torah]* concerning faith in the Sages [*emunat hahamim*]. Cited in Kaplan, "Da'as Torah," 16–17. It is worth noting that this author's father, Rabbi Zvi Hirsh Zakheim *zt"l*, an intimate of R. Hayyim Ozer and his legal advisor and secretary had only the highest words of praise for him, but never recounted that he had the Divine presence about him. See also Zvi H. Zakheim,"*Kuntres Vilna Lifnei Hashoah*" in *Zvi Ha'Sanhedrin*, vol.1: (Brooklyn, NY: Simcha-Graphic, 1988), especially 18. Perhaps R. Dessler, born in 1892, who at the time he saw the great men could not have been more than in his mid-20s (R. Hayyim Brisker died in 1918), and who was also R. Hayyim Ozer's nephew, simply was overwhelmed by the sight of the three of them together.

[21] For a trenchant critique of current blind submission to pronouncements on personal matters due to a misunderstanding of *emunat hahamim* , see Nachum Eliezer Rabinovitch, "What is 'Emunat H ahamim?'," *Hakirah* 5 (Fall 2007), 35–45, and especially 45.

[22] Some within the *dati-leumi* community argue that rabbinical writ extends far beyond halakha *per se*. See for example, R. Yaakov Ariel, "*Lo Tasur Mikol Asher Yorucha*" (Do Not Deviate from all that They Direct You), *Techumin* 11, 22–23.

[23] TJ *Ta'anit*, 4:5, 21a (Artscroll: 27b).

[24] R. Moshe ben Maimon, *Mishneh Torah: Hilkhot Melakhim*, 11:3.

[25] TJ *Ta'anit*, 4:5, 21a (Artscroll: 27b).

[26] *Ibid*.

[27] *Ibid.* (Artscroll: 28a).

[28] *Ibid.*(Artscroll: 27b).

[29] R. David ben Zimra on Maimonides, *op. cit*.

[30] For example, poem 40, lines 64–100, 135 in Hayyim Brody, ed. *Kol Shirei R. Shmuel HaNagid* (Warsaw: Tushia, 1910), 132–139.

[31] Natanyahu, *Don Isaac Abravanel*, 49–50.

[32] For the Belzer Rebbe, see Kaplan, “Daas Torah,” 56–60. R. Wasserman wrote: “The yeshivos in America which are able to bring over students are the yeshivas of Dr. Revel [i.e., Yeshiva University] in New York and *Beis Midrash L'Torah* in Chicago… both are places of danger in terms of spirituality because they conduct themselves in a spirit of freedom, and what benefit is there to flee from a physical danger to a spiritual danger.” http://failedmessiah.typepad.com/failed_messiahcom/2008/02/rabbi-elchonon.html.

[33] R. Menachem Mendel Schneerson, the Lubavitcher Rebbe, also initially opposed public demonstrations, though he did not do so on the basis of his rabbinic credentials. Moreover, he reversed his position after he learned that a leading Sovietologist advocated such demonstrations. Joseph Telushkin, *Rebbe: The Life and Teachings of Menachem M. Schneerson, the most Influential Rabbi in Modern History* (New York: Harper Wave, 2014), 246. See also Avi Weiss, Open Up the Iron Door: Memoirs of a Soviet Jewry Activist (New Milford, CT and London: Toby Press, 2015), especially 57–58.

[34] R. Shaul Yisraeli, “*Mesirat Shetahim m’Eretz Yisrael Bimkom Pikuah Nefesh*” (Cession of Israeli Territories when Life is Endangered), *Techumin* 10 (1989/5749), 60–61.

[35] R. Ovadya Yosef, “*Mesirat Shetahim m’Eretz Yisrael Bimkom Pikuah Nefesh*,” (Cession of Israeli Territories when Life is Endangered), *Ibid.*, 39.

[36] See for example, Israel National News, “Rabbis Union: No One Has the Right to Give Away the Land,” (June 24, 2003), http://freerepublic.com/focus/f-news/934767/posts. The report identified R. Avraham Shapira, former Chief Rabbi of Israel, leading the *Ichud HaRabbanim* (Union of Rabbi) in the opposition to any withdrawal. Other opponents mentioned were R. Hayyim Druckman, R. Nahum Rabinovitch, and R. Dov Lior of Kiryat Arba, one of the most hard-line settler communities. Among those supporting government plans to withdraw from some territory was R. Shlomo Amar, who, like his predecessor R. Ovadya, argued that “It is a matter of great dispute…but the government is responsible for the decision” (*ibid*.).

[37] Joel Greenberg, “Hand Over Israeli Bases? No Way, Rabbis Tell Troops,” *The New York Times* (July 13, 1995)

http://www.nytimes.com/1995/07/13/world/hand-over-israeli-bases-no-way-rabbis-tell-troops.html.

[38] The petition was widely reported. See for example, Ken Ellingwood, “Israeli Military Counters Rabbis' Calls for Troops to Defy Orders: Religious leaders have urged soldiers to refuse to enforce the planned settlement pullout,” *Los Angeles Times* (October 20, 2004), http://articles.latimes.com/2004/oct/20/world/fg-gaza20.

[39] National Public Radio, “Profile: Plan to Evacuate Gaza Strip Stirs up Rabbis: Rabbis Strongly Oppose Leaving Gaza,” Weekend Edition (October 24, 2004), http://www.npr.org/programs/wesun/transcripts/2004/oct/041024.mccarthy.html.

[40] R. Yehuda Gershuni, “*Al Hagevurot V’al haMilchamot*” (on Heroism and Warfare), *Techumin* 4 (5743/1983), 62.

[41] R. Dov Lishanski, "*Issurim U'Mitzvot B'Et Matzor*" (Prohibitions and Commandments During a Siege), *ibid*., 39.

[42] Quoted in R. Shaul Yisraeli, "*Matzor Beirut L'Or haHalakha*" (The Siege of Beirut in the Light of Halakha), *ibid*., 30.

[43] *Ibid*., 36.

[44] See for example, R. Chaim Jachter with Ezra Frazer, *Gray Matter: Discourses in Contemporary Halachah* (Teaneck, NJ: Noble, 2000), 140–144.

[45] The Lubavitcher Rebbe, argued that "the opinions of retired military figures could not be relied upon…when one is dealing with an issue that is of life-and-death significance, one needs to listen to the views of those who have access to the most current and relevant information."), Telushkin, *Rebbe*, 561, f.n. 16. With all due respect to the Rebbe, however, he did not account for the fact that senior officers begin to voice their true opinions virtually upon retirement, when the information they possess is still fresh. Moreover, many retired officers continue to have access to classified information as they serve as advisors and consultants to active senior military, who often have served under their command.

[46] J. David Bleich, *Contemporary Halachic Problems* (Jersey City, NJ: Ktav, 2012), 9.

[47] For a discussion see Dov S. Zakheim, "Confronting Evil: Terrorists, Torture, the Military and Halakhah," *Meorot* 6 (January 2007).

[48] Telushkin, *Rebbe*, 512.

[49] *Ibid*., 289.

[50] See, for example, Chaim Herzog, *The Arab-Israeli Wars: War and Peace in the Middle East from the War of Independence through Lebanon* (New York: Vintage, 184), 227–230, 237–239. Ariel Sharon called the Rebbe a "military expert." He was probably flattering a man he sincerely admired.

[51] *Ibid.*, 279.

[52] *Ibid*., 289.