

HAREDI CONCEPTIONS OF OBLIGATIONS AND RIGHTS: POLISH JEWRY, c. 1900-1939

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In their speeches and articles, Orthodox politicians and publicists in Eastern Europe devoted scant attention to the issue of individual rights. The author theorizes that, beyond a predilection in Jewish tradition for obligations rather than rights, the specific historical context of East European Jewry played the major role in shaping Orthodox concepts of oligarchic rabbinic leadership. Long-term institutional factors, such as the nature of the Jewish communal structure and the strong influence of Hasidism in Eastern Europe, plus more immediate historical factors, such as the rise of secularist Jewish political parties, led to the development of the ideology of daat Torah. This doctrine posited a special kind of Divine inspiration with which great Torah scholars were endowed, which enabled them to find the correct solutions for political and social problems of the day. In such a dangerous era Orthodox voters should exercise their franchise to place into office those politicians willing to follow the directives of the rabbinic sages. The author notes that this doctrine, rather than disappear with the destruction of the large Orthodox communities of Eastern Europe in the Holocaust, has actually solidified into a functioning political myth which has much influence on the political scene in contemporary Israel.

Reflecting on more than a decade of research on the development of Orthodox ideology and politics in Eastern Europe, we are struck by the minimal attention paid by the Orthodox parties to the question of rights. To a certain extent, other Jewish political movements in Eastern Europe also devoted less time to this issue than their counterparts in the West. The present essay is an attempt to explain this phenomenon.

At first glance, our almost instinctive response to this question centered on the nature of Jewish tradition itself. As Daniel Elazar has noted, this tradition carries a predilection for obligations rather than rights. Rights as such derive from obligations, and hence are not of primary concern.¹ We wondered whether tradition conveyed a bias in favor of the group vs. the individual through the repeated use of such terms as *kelal yisrael* or *keneset yisrael*.

After further consideration of the matter, though, we came to the conclusion that the specific historical context of East European Jewry at the end of the nineteenth century played a greater role in the

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development of Orthodox concepts than any built-in “prejudice” found in Jewish tradition against Western-style concepts of individual rights. As part of their struggle against secular ideological and political rivals the rabbis and publicists of incipient Orthodox political movements developed a notion of an idealized oligarchic leadership group. In this system, individual rights possessed peripheral importance at best, and their exercise should serve only to confirm this ideal leadership in place. In their view the leading Torah scholars who possess *daat Torah* and the politicians who followed their directives constituted the one legitimate political leadership for the Jewish people in a time of upheaval.

Our short survey of this issue will cover two main areas: the historical roots of early twentieth century Orthodox conceptions of leadership and their implications for the notion of individual rights; and the basic nature of those conceptions, illustrated by appropriate citations from contemporary literature.²

Historical Context

A series of prominent causal factors help explain the rise of this ideology of rabbinic guidance and *daat Torah* (with its concomitant downplaying of individual rights) in late nineteenth-early twentieth century Eastern Europe. For the purposes of our discussion, we divide them into two main categories.

A. Institutional Factors

Among the long-term institutional factors at work, the very nature of the Jewish community takes prominence of place. Even if annual elections did take place, the *kehilla* had a strong paternalistic, oligarchic bent to it. The franchise was effectively limited, weighted in favor of major tax payers, which through family connections often included the scholar class as well.³ The fact that Jewish law, at least in principle, governed the community, does not necessarily translate into direct rabbinic authority in the governing of the community.

A strong sense of noblesse oblige animated Jewish communal leadership in Poland.⁴ Those leaders had a sacred obligation to provide basic services and credit, guarantee fair competition in business, and provide protection for Jews against abuses by gentile authorities of all kinds. In this system, few avenues if any existed for the expression of popular discontent, by any definition a basic political right.

From the eighteenth century onward, communal authorities faced a crisis of confidence, as they failed to protect the community from

increasing encroachment by the Church, local nobles, municipalities, and royal officials.⁵ With all that, we note that the system was not overturned either from within or from without. The major oppositionist movement that arose in the area, the Hasidic movement, either formed parallel structures of its own or took over the *kehillot*.⁶ The *Maskilim* (followers of the Jewish Enlightenment), with all of their commitment to modern ideals, were elitists no less than the establishment they sought to replace. Government policies both in Austro-Hungary and Russia, whether animated by enlightened despotism or plain despotism, may have weakened Jewish autonomy, but strengthened the oligarchic nature of communal leadership through election procedures that distorted the electorate still further.⁷ This system would remain in place until after World War I. In major *kehillot* in Eastern Europe, wealthy assimilationist Jews retained control of the community, often-times in tacit alliance with Orthodox Jews. The latter received control of *kashrut* supervision and the rabbinate, but otherwise had little say in running the affairs of the community.

The preeminent role of Hasidism in Eastern European Jewry also influenced the attitude of the Orthodox community to questions of leadership and individual rights. A sort of low-level egalitarianism functioned within the Hasidic court where all (males at least) Hasidim, no matter what their station in life, had a "right" to the concern of the rebbe, and to his prayers and blessings for their undertakings.⁸ The key here is that everything filters through the prism of the rebbe. All things flow from him and to him. Hasidic literature speaks of the masses as "inert matter" to which the rebbe must give "form," or as the "limbs" while the rebbe or tsaddik is the "head."⁹ In such a system, the individual gets lost in the great light of the perfect spiritual leader. The rebbe is "elected" by the Hasidim, but the process does not follow standard democratic procedures. Instead charisma, whether ascribed or acquired, serves as the determining factor in confirming the leader of the Hasidic group.

In short, the long-term institutional factors in the traditional community in Eastern Europe would seem to favor an oligarchic form of communal leadership, where individual rights did not occupy pride of place in people's concerns.

B. Historical Factors

Beyond the institutional factors mentioned above, several historical phenomena in the era in which Orthodox politics developed helped shape attitudes towards rights and obligations, and explain why the Orthodox parties played down the notion of individual rights.

First of all, the rise of alternative political and national ideologies on the "Jewish street," most notably Zionism and Jewish socialism, put Orthodox Jewry on the defensive.¹⁰ Some of these new movements expressed open hostility to religion, while others attempted to appropriate the symbols of religion and tradition for their own purposes. In their attempts to take over the Jewish community from within and remake it, they saw rabbinic leadership as one of the main targets. In this atmosphere arose the essentially defensive ideology of political Jewish orthodoxy, which sought to bolster rabbinic leadership against the onslaught of political rivals who spoke in the name of new ideals, including democracy.

Secondly, Orthodox Jews in Eastern Europe could not ignore one of the major themes of modern Jewish history, the struggle for Jewish emancipation, which lasted in Eastern Europe until after World War I, more than a century and a quarter after the French Revolution. All Jews, including the Orthodox, demanded equal civil rights for Jews as a given of any new political regime that would arise in the area. Beyond that assumption, the situation in Eastern Europe differed in one major aspect from that in Western Europe: the concept of emancipation in the East went beyond the demand for equal citizen's rights for the individual Jew in any future democratic state and also sought group rights for Jews and other minorities. The major Jewish parties may have differed on the exact nature of these minority rights for Jews, but all agreed that the Jewish minority should have basic guarantees and state funding for Jewish cultural and educational institutions.¹¹

On this very point, though, they encountered stiff opposition from most of the non-Jewish political parties in Poland, who regarded minority rights as an infringement on national sovereignty. In this context, it should not surprise us that the Jewish parties, including the Orthodox, did not stress individual rights as much as group rights, since individual rights became for many Polish politicians a sort of code word for denial of national minority rights. In public statements prior to Polish independence and immediately after it Polish spokesmen such as Premier Paderewski would note their support for equal rights for Jews in reborn Poland just like their coreligionists enjoyed in the West, but no more than that.¹²

In the end, at the Versailles peace conference the victorious Allied powers would impose minorities guarantees on Poland and on other new states in Eastern Europe. Those same new states would do all in their power to circumvent the minorities guarantees. The Jewish political struggle in independent Poland would focus on a generally futile effort to translate the guarantees enshrined in the Minorities Treaties and basic laws of Poland and other states into everyday reality. While attempting to defend the individual Jew suffering from discrimination,

Jewish politicians would emphasize the importance of the rights granted the Jews as a national minority.¹³

On the second front of Jewish politics, within the *kehillot*, Orthodox politicians played down the issue of individual rights for different reasons. Here individual rights and equality became code words for breaking down the religious nature of the *kehilla*, secularizing it, and turning it into a democratic representative body with limited or even no religious aspects.¹⁴ As things turned out the *kehilla* in inter-war Poland would be more democratic than that of the pre-independence era, but it remained a limited democracy with the active and passive franchise for males only and with a limited means test for voting rights as well.¹⁵

Even so, the *kehilla* council chambers in the cities of Poland functioned as a sort of Jewish parliament in miniature where debates dealt both with matters of local religious and educational institutions and with questions of international politics. Zionists and Jewish socialists in the councils often repeated their demands for a change in the *kehilla* regime, but they had no success in this regard. Orthodox politicians remained on guard against any change in the religious nature of the *kehilla*.

Even the very words "freedom" or "free" carried different connotations for the Orthodox and their opponents. While the Zionist anthem "*Ha'Tikva*" (the hope) spoke of the dream to become "a free people (*am hofshi*) in our land," in the view of many Orthodox Jews that same term meant "free" of the commandments and living a life outside of the framework of Jewish tradition.

Political Ideology of Haredi Jewry

To meet the threats to the traditional Jewish way of life, organized political orthodoxy developed for itself an elitist ideology for the convinced, designed to bolster the faithful in this time of trial. This ideology would find its fullest expression in the Agudat Yisrael party, founded in 1912. Orthodox politicians successfully made the transition from the nineteenth century community to the more democratic general and Jewish communal regimes after World War I. They would use the language and instrumentalities of democracy to promote a basically non-democratic message: namely, that the Orthodox voter should indeed exercise his democratic rights, but only for the purpose of confirming in power the rabbinic elite that should be the leaders of the Jewish community in any case.

Why should the Orthodox voter give his support to Agudat Yisrael? The candidates of "Aguda" possessed a unique advantage in that

they would have the guidance of the leading rabbis of the age, the venerable sages who had *daat Torah* (true knowledge and understanding of the Torah). This innovative concept of *daat Torah* represents the major ideological defense that political orthodoxy came up with to strengthen its hand in the battle against its adversaries. We have dealt with this concept at length elsewhere, and hence will content ourselves with some short explanatory remarks.¹⁶

This doctrine posited the essentially infallible nature of the great Torah scholars, who by virtue of their being Torah scholars possess a sort of *ru'ah ha'kodesh* (holy spirit) above and beyond specific textual knowledge that enables them to give authoritative opinions on all matters, social, economic or political. Paradoxically, these men who are the most removed from everyday affairs, can offer the best advice to the politicians caught in the rush of events. Thus the revered Rabbi Yisrael Meir Kagan, known as the Hafets Hayyim, is quoted as saying:

he whose opinion is *daat Torah* can solve all the problems of the world, in general and in particular, but on one condition: that his *daat Torah* be pure, without any deviations or inclinations. If there is a man who has *daat Torah*, but there is mixed with it even a slight bit of other views from the marketplace or from the press, then it is clouded *daat Torah*, mixed with trash, and it cannot penetrate to the essence of the matter.¹⁷

In regular political parties where decisions proceeded according to majority rule there was no insurance against errors caused by being swept up in the emotions of the moment. In most of its other ideological-political views, Agudat Yisrael represents a continuation of pre-modern Jewish politics of *shtadlanut* (intercession), which in its view offered the best chance for achieving anything for the Jewish minority in a generally hostile political atmosphere. Still, rabbinic endorsement and guidance gave Aguda its main claim to legitimacy in its call for public support.

Orthodox apologists would reject out of hand any claim that this doctrine of *daat Torah* represented an innovation; it meant, rather, the restoration of communal leadership to its traditional make-up, before modern notions of democracy intruded into the Jewish world. As Yaakov Halevi Lifschitz, one of the earliest theorists of this doctrine put it:

...but in those days [L. speaks of 1858 — G.B.] the Torah alone was still the nationalism of our people in the full meaning of the term. The rabbis and *parnasim* [traditional communal leaders] worked in agreement to establish the Law in Jacob, and like between the two cherubs on the Ark of the Covenant, the Torah spoke through their mouths all that should be commanded to the people of Israel....The

people as a whole were crowned with respect, and took care to walk with respect and humility, and the fear of sin...and were not so haughty as to express opinions publicly in communal matters, which demand the analysis of the learned....They still did not know in our people to honor the decision of the masses in the name of "public opinion," and matters of dispute in the Jewish people came to the judges, the great scholars of Torah, who have the right to express opinions....Who took part in these disputes, was it as we say today — the public? God forbid! Then everyone knew his place, and lifted his eyes to the rabbis, sages of the generation, to hear their decision.¹⁸

How does this governing doctrine square, if at all, with the notion of democracy and individual rights? First, we note that the Orthodox politicians would claim from the outset that they spoke for the silent majority of the Jewish community, who had too long abandoned the political field to their secularist rivals:

The great revolution in the recent period, the great destruction in our people, has brought the leaders of our people to seek out ways to improve the situation of the people of Israel. The nation is divided according to its way, its world-view and its beliefs.

Only the largest party in our nation — the truly faithful of Israel — have not yet taken steps in this area....

The great ones of our people have pondered and realized that we need a permanent institution and an organization which will deal on an ongoing basis with solving the problems of the nation according to the spirit of the keepers of the faith.¹⁹

The conversion to democratic principles was partial at best. These ringing declarations that organized orthodoxy spoke for the majority of Jewry in Eastern Europe carried a built-in hedge, since they claimed that Aguda spoke for *rov minyan ve'rov binyan* (the quantitative and qualitative majority) of Jewry.²⁰ This hedge enabled Aguda to go on making the claim that it spoke for the majority even after the results at the polls showed otherwise.

Beyond this claim to speak for the majority, the doctrine of *daat Torah* included several distinctly antidemocratic aspects. The *gedolei Torah* were not elected but chosen by a sort of consensus of their peers; nor were they responsible to the electorate. Rabbinical pronouncements issued in the name of *daat Torah* constituted a closed system, not susceptible to any checks and balances. Moreover, such a doctrine would seem to subvert the classical notion of Torah or the "crown of Torah," since by definition *ex cathedra* opinions offered without proof texts brook no counter-argument. The rabbi speaking in the name of Torah turns into an oracle or a semi-prophet rather than a classical Torah

scholar. As in the example of the Hasidic court, a “democracy” of a sort figures in this whole equation in the form of equal access to the rabbis *before* they begin their deliberations, thus ensuring that the rabbis hear all sides of the argument and get a fair and complete briefing before they issue any binding opinions.

Though this doctrine demanded an almost complete surrender of those individual rights so treasured in modern concepts of politics, it promised much to the Orthodox believer. The guidance of infallible spiritual figures, whose calculations took in the eternal concerns of the Jewish people, offered some assurance that Orthodox politicians would not fall into the habits of their secular counterparts, so often swayed by rhetoric or the passions of the moment.²¹ In an era when the very survival of the Jewish people hung in the balance, such infallible guidance was crucial. In many ways, Orthodox political ideology calls for a kind of “martial law,” a siege mentality where the common “soldiers” must follow the orders of the spiritual “generals” or their deputies.

Electoral democracy granted them the choice of their leaders. They could choose error-prone leaders, or those with “error-protection.” The wrong choice at this time could endanger the entire Jewish people, since the other side used dangerous tactics of confrontation and militancy which aroused the wrath of the gentiles. To further drive their point home, Orthodox publicists would usually invoke the concept of *hevlei mashiah* (birth-pangs of the Messiah), according to which in the era immediately prior to the coming of the Messiah the Jewish people would undergo a series of tests of their faith, among them severe economic hardship, political persecution, and the rise of heretical factions within the Jewish people. If the remnant would remain steadfast in their faith, the promised redemption would proceed in due course.²² Who if not the great Torah sages could lead the nation through this time of trial? Spokesmen for Agudat Yisrael often adduced this view which served further to lock in their constituency.

In this time of emergency, individual rights did have their place, but they had to give way to the survival of *am Yisrael*. Orthodox Jews had to fight any proposed changes in communal life, no matter how democratic, that even obliquely seemed to threaten the spiritual life of the community. They thus opposed women suffrage in the *kehillot*, and did everything within their power to prevent an uncongenial majority from exercising supervisory control over religious fiefdoms, e.g., communal control of ritual slaughter in Zionist-controlled *kehillot* or the entry into rabbinical posts of candidates deemed too “modern.” In the general political sphere, they refused to join umbrella organizations that would make Orthodox parties subject to secular leadership and tactics. They would cooperate with their rivals on matters of common interest, but did their best to guarantee Orthodox autonomy.

Conclusion

Though it had roots in the traditional *kehilla* of past eras, the political ideology of organized Polish orthodoxy owed more to the communal situation of East European Jewry at the beginning of the present century. For the Orthodox, growing democratization within the Jewish community and in the general political system offered new opportunities to influence events, but also gave their better organized ideological rivals the chance to “conquer” the leadership of the Jewish minority in Poland. Individual rights figured in this equation, but they were not the only factor to be weighed in communal strategy. For the Orthodox and their secular rivals, group rights and national minority status posed an even greater political challenge, given the hostility of the Polish majority to this concept.

Within the *kehilla*, the Orthodox would claim that individual rights also had to give way when they came in conflict with the religious fundamentals of Jewish communal life, which no transient majority could vote out of existence. To meet these challenges, organized orthodoxy put forth a political ideology based on the oligarchic rule of the leading rabbis through their democratically elected surrogates. This ideology for the convinced had its appeal within Polish Jewry, and gained for Agudat Yisrael and its allied parties and splinter groups a prominent place on the political spectrum of Polish Jewry, with its elected representatives in the Polish parliament and in control of many of the important Polish *kehillot*.

This ideology of *daat Torah* has survived into the present era of Israeli politics with remarkably little change. Coalitions can rise or fall on the word of an aged rabbi, from whom democratically elected parliamentary deputies receive directives on how to vote on key political issues. Not only do the voters for such parties not consider this a breach of the democratic process, they expect such consultations with the rabbis and raise protests when the deputies exercise too much independence.

The Holocaust and the rise of a secular Jewish state in Israel did not shake the notion of a practically infallible rabbinic elite who had the answers to the problems of the age. If anything, the surviving remnant of East European orthodoxy clung to the concept even more desperately as the one stable thing in a time of upheaval. Furthermore, the concept of ongoing rabbinical guidance for politicians, which in Poland often remained more an ideal than a reality (which brought no small amount of criticism on the heads of the Aguda deputies and organizational leaders),²³ now began to function on a more regular basis. The rabbis and Hasidic rebbes no longer lived at great distances from each other, but could be found within a few square kilometers in Jerusalem and Bnei Brak.

In the ideological sphere, the notion of *daat Torah* reached the acme of development in post-Holocaust Israel and America. What began as an ideological innovation of the Polish Aguda has become a basic working assumption of much wider circles in Orthodox Jewry. *Daat Torah* is by now a well-oiled and functioning historical myth, where the Orthodox political movements such as Agudat Yisrael claim to have restored the Jewish people to its pristine state.

Notwithstanding the success of the *daat Torah* doctrine in approximating reality and "conquering" the Orthodox world, problems do exist. Indeed, the very success of *daat Torah* has engendered vexing new difficulties which threaten to topple the whole notion from within. Where Aguda envisioned one supreme Council of Torah Sages, after the 1988 elections in Israel the Orthodox public found no less than three separate bodies offering what purported to be decisions based on *daat Torah* — the rabbinical councils of Aguda, Shas and Degel HaTorah. How could one reconcile the views of these three bodies, which often offered contradictory opinions on issues of major import? As far as organized orthodoxy is concerned, the overwhelming popularity of the idea of *daat Torah* may prove to be a classic example of too much of a good thing.

With all this, the stalemate in Israeli politics in the late 1980s has granted the rabbis who head the various religious parties unprecedented influence in forming the governing coalitions. By all indications, the *daat Torah* concept will remain part of the Israeli political scene for some time to come, and will have some influence on evolving approaches to the idea of individual rights.

Notes

1. See Daniel J. Elazar, "Obligations and Rights in the Jewish Political Tradition: Some Preliminary Observations," in this issue.
2. We note in this context that the subjects of our inquiry were not systematic thinkers. We must glean their views from a variety of sources such as essays, published sermons, *divrei Torah* and political speeches. In this respect they differ greatly from leading figures of organized German orthodoxy such as Isaac Breuer and Jacob Rosenheim, whose writings were translated into Yiddish and Hebrew, but which the Polish Jews generally ignored.
3. On the nature of the traditional *kehilla* in Eastern Europe see Jacob Katz, *Tradition and Crisis* (New York: Schocken Books, 1971), pp. 79-111 and the short survey by Daniel J. Elazar in his "The Kehillah: From Its Beginnings to the End of the Modern Epoch," in Sam N. Lehman-Wilzig and Bernard Susser, eds., *Comparative Jewish*

- Politics: Public Life in Israel and the Diaspora* (Ramat Gan: Bar-Ilan University Press, 1981), pp. 42-45.
4. See, e.g., Hayyim Hillel Ben-Sasson, *Hagut ve'Hanhaga* (Jerusalem: Mossad Bialik, 1960), p. 89.
 5. Jacob Katz, *Tradition and Crisis*, p. 227.
 6. *Ibid.*, pp. 242-243.
 7. See Simon Dubnow, *History of the Jews in Russia and Poland* (3 vols.; Philadelphia: Jewish Publication Society, 1918), vol. 2, pp. 101-103.
 8. Simon Dubnow, *Toledot Ha'Hasidut* (Tel Aviv: Dvir, 1967), p. 361.
 9. Yaakov Yosef of Polonnoye, *Toledot Yaakov Yosef* (Jerusalem, 1966; photo offset of Koretz, 1780 edition), Parashat Kedoshim, p. 91c-d.
 10. See, e.g., Yosef Salmon, "Emdata shel Ha'hevra ha'haredit be'Russia-Polin la'tsiyyonut ba'shanim 1898-1900," *Eshel Beer-Sheva* 1 (1976):377-438.
 11. See Oscar Janowsky, *The Jews and Minority Rights (1898-1919)* (New York: Columbia University Press, 1933).
 12. *Jewish Chronicle* (London), March 14, 1919, p. 10.
 13. See Moshe Landau, *Mi'ut Leumi Lohem: Ma'avak Yehudei Polin, 1918-1928* (Jerusalem: Merkaz Shazar, 1986) and Shlomo Netser, *Ma'avak Yehudei Polin al zekhuyotehem ha'ezrahiyot ve'ha'leumiyyot* (Tel Aviv: Tel Aviv University Press, 1980).
 14. See, e.g., *Der Yid* (Warsaw), Dec. 5, 1918, pp. 3-4; Sept. 4, 1919, p. 10; A.A. Hartglass, "Milhemet Yehudei Polin al zekhuyotehem ha'ezrahiyot ve'ha'leumiyyot," in Israel Halpern, ed., *Bet Yisrael be'Polin* (Jerusalem, 1948), vol. 1, p. 135.
 15. See, e.g., *Der Moment*, February 14, 1919, p. 8.
 16. Gershon Bacon, "Daat Torah ve'Hevlei Mashiah: li'she'elat ha'idiologia shel Agudat Yisrael be'Polin," *Tarbiz* 53 (1983):497-508.
 17. S. Greiniman, ed., *Hafets Hayyim al ha'Torah* (Bnei Brak, n.d.), p. 30.
 18. Yaakov Halevi Lifschitz, *Toledot Yitshak* (Warsaw, 1897), pp. 60-61.
 19. Hayyim Ozer Grodzinski, *Ahiezer — Kovets Iggerot* (Bnei Brak, 1970), vol. I, pp. 257-258 (proclamation from 1908).
 20. See, e.g., *Der Yid* (Warsaw), March 7, 1921, p. 2.
 21. See, e.g., *Ortodoksishe Yugnt Bletter* (Warsaw), yr. 6 #49, January 1934, pp. 5-6.
 22. See G. Bacon, "Daat Torah ve'Hevlei Mashiah," pp. 504-507.
 23. See, e.g., *Dos Yiddishe Togblat* (Warsaw), January 11, 1934, p. 3.