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**SOURCES OF AUTHORITY IN THE JEWISH TRADITION**

by

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## Sources of Authority in the Jewish Tradition

In classical, pre-modern forms of Judaism, it is clear that all authority derived from the will of God as it had been revealed through the Torah to Moses and the Israelites at Sinai. Every rabbinic decision and pronouncement, every communal edict, claimed to be authoritative on the basis of scriptural interpretation. Even manifestly innovative edicts, such as Rabbenu Gershon's tenth century edict concerning monogamy, were made on the basis of principles that were thought to be derived from interpretation of Scripture.

Though there was a universal consensus about the source of authority, that consensus led neither to unanimity about the substance of divine commandments nor to a single model for the governance of Jewish communities. Two variable factors contributed to the latitude afforded to successive generations of Jews as they adapted to ever changing external and internal circumstances: a) diverse approaches to defining what constitutes Torah; and b) changing views of who is to be regarded as a legitimate interpreter of the meaning of the words of Torah.

### The Definition of Torah

The classical period referred to above begins with the destruction of the First Temple in 586 B.C.E. It was in the Babylonian Exile that the Pentateuch--Genesis, Exodus, Leviticus, Numbers, and Deuteronomy--was adopted as the basic authoritative text of the Jewish people. That is not

to say that the various parts of the Pentateuch do not date from a much earlier period, some from pre-settlement and even pre-Sinaitic times. There continues to be scholarly disagreement about when and how the Pentateuch was redacted into its final form. What is clear, however, is that Israelites in the First Temple period were not in any sense governed by the authority of the Book. The Word of the Lord was conveyed through prophecy; the priesthood assumed responsibility for Temple and other ritual practice; the monarchy governed out of the claims of the Davidic dynasty. While various groups at different stages had access to sacred scrolls--priestly manuals of instruction, for example--there is no evidence in the First Temple period that the Pentateuch was considered to be the Book from which authority was derived.

That development occurs only with the return of Ezra the Scribe from Babylonia. It is Ezra who brings with him the pentateuchal Torah from Babylonia that is then adopted as authoritative by the community. We are thus left to infer that it was the Babylonian community in exile that reformulated the nature of authority and placed it in the Torah. There need be no implication that the generations of the Exile consciously innovated. To the contrary, in elevating the Torah to the primary place that it has held ever since, they sought to insure continuity with what had been lost; the Torah embodied the essence of the Israelite

experience in all of its facets.

Immediately, however, the definition of Torah began to expand as Second Temple Jews attempted to apply it to their lives. The Torah was read publicly on market days, and a class of scribes emerged to interpret its words to new generations. By Persian and then Hellenistic charter, the Jewish community was empowered to govern its people by its own law, and a judicial system emerged that included courts, the Men of the Great Assembly, and eventually the Sanhedrin. These were the beginnings of Oral Torah--to be distinguished from the pentateuchal Written Torah.

For the purposes of this paper, it will be assumed that classical Judaism is to be identified with rabbinic Judaism. That is, the Sadducean parties--those who rejected the authority of Oral Torah and who sought to limit authority to the text of the Pentateuch alone--lost the historical battle. After the destruction of the Second Temple in 70 C.E., it was the rabbis who emerge virtually unchallenged as the heirs of the tradition. And it was the rabbis who claimed descent from the scribes and back further, through the prophets and judges, to the original Sinaitic revelation. As they told the story, Moses on Sinai received not only the entirety of the whole Written Torah, but also the entirety of the Oral Torah--all of the interpretations of how to apply the Torah to implied, nonexplicit cases. That oral tradition was transmitted by Moses to Joshua and then through the gener-

ations until it was received by the rabbis. By refashioning Moses in their own image--as Moshe Rabbenu (Moses, our Rabbi), the possessor of all rabbinic interpretation--the rabbis laid claim to Sinaitic authority for their expansions of Jewish practice. The Mishnah and the Talmud, the two classical written compendia of Oral Torah, were then regarded by subsequent generations not as innovative elaborations of Written Torah, but as the setting down of interpretations that Moses had received at Sinai.

The mishnaic and talmudic discussions of Torah apply the rule of Torah to all aspects of Jewish life--from agricultural law to holiday observance, from torts to sacred offerings. Once the Talmud is redacted in the sixth(?) century C.E., however, the expansion of the definition of Torah was not concluded. In the halakhic (legal) realm, rabbinic authorities in all subsequent generations necessarily had to continue to interpret laws as questions arose, leading to a most formidable body of responsa, codes, and other legal commentaries and treatises--all of which came to be regarded as authoritative over time. In the nonlegal realm, midrashim--biblically-based interpretations that deal with theological, ethical, and a host of other nonlegal categories--also became the accurate, traditional ways to read the Torah text. Further, philosophical, mystical, ethical, and eschatological texts of the post-talmudic period also came to be regarded as more or less definitive ways of understanding the meaning of

Scripture, and the study of all of them came under the rubric of the study of Torah. In fact, when the Torah is studied in the traditional Jewish world, it is never the pentateuchal text that is read alone. A page of the rabbinic Bible contains at least a targumic Aramaic translation, the commentaries of several medieval commentators, and reference notes to halakhic (legal) discussions of the text in other places. No one in the realm of rabbinic Judaism would presume to be able to interpret the text without reference to the accumulated interpretations of the text over the centuries. To state, then, that all authority in Judaism derives from Scripture, is not to claim that Jews over the last two millenia have literally derived their legal rulings and nonlegal interpretations directly from the pentateuchal text. To the contrary, the term "Torah" has come to refer to all recognized Jewish teachings through the ages, and the necessity to ground all teaching in Torah has served as a method that has allowed innovation to claim traditional authenticity.

#### Who Are the Authorities?

By definition, it would seem at first glance, a Jewish authority should be someone whose interpretations of Oral and Written Torah are recognized and thus command binding force, i.e., a rabbi. And in one sense that is true. For two thousand years, when questions about halakhic (legal) practice have arisen, they have been asked of rabbis whose

answers have commanded authority because of the rabbi's reputed and manifest erudition in the halakhic tradition. In no period of Jewish history has there ever been a single, central ordaining institution vested with the sole power to grant the rabbinic title. Rabbis have derived their title by their (rabbinic) teachers, by whom they have been certified to be sufficiently knowledgeable in matters of Oral Torah. Not all rabbis have had equal authority, however; that has varied with a given rabbi's personal following, which in turn has been a function of his own reputation as a halakhic expert. In general, it has been a rabbi's students and his peers who establish his authority by consulting him on difficult questions.

This definition does not suffice, however, because of at least two factors. First, over the course of Jewish history, halakhic authorities have not always found themselves in authority. In fact, it has been Jewish communities--and not rabbis--that have been invested with the power of autonomous self-government by the non-Jewish, Muslim and Christian, rules under which they have lived, and the ways that they have chosen to govern themselves has been anything but uniform. Second, not all, religious matters subject to authority have been of a halakhic sort; Jews who have followed the philosophical teachings of Maimonides, for example, or the mystical teachings of Isaac Luria, or the ethical teachings of Bahya ibn Pakuda, or the Hasidic instructions of Judah the Hasid or the



Baal Shem Tov, have often chosen their authorities based on extra-halakhic considerations.

To illustrate the first point--the variation in the institutions that Jews have developed to govern themselves--it will be useful to examine a number of illustrative examples.

When the initial Islamic conquests concluded at the beginning of the eighth century, most Jews found themselves united under a single Caliphate that ruled from Persia to Spain. Under the Ummayyads and then the Abbasids, the Jewish community was centralized under the governance of the Exilarch, a scion of the Davidic line, who then shared his authority with the Geonim, the heads of rabbinic academies in Babylonia and Israel. Because of the centralized structure afforded by the Caliphate, the Jewish community achieved a measure of centralization that was never again to be replicated. The academies ordained haverim, rabbinic fellows, who were then dispatched to serve as halakhic authorities in all the remote communities, and who would send their questions back to the academies for halakhic responsa.

Even in this centralized context, however, it is important to note that each local community enjoyed a large measure of autonomy over its members, and that it was the laity that controlled community operations. Rabbis were employed by the communities, as were a host of nonrabbinic

officials, but it was community boards of lay Jews who applied sanctions if an individual Jew did not pay an appropriate level of taxes, refused to abide by a court ruling, or otherwise deviated from community norms. Furthermore, the relative power of the nonrabbinic Exilarch fluctuated over the centuries, with that fluctuation often depending on such factors as who had the support of merchants and financiers with influence in the Caliph's palace.

With the splintering of the Caliphate, autonomous centers in North Africa and Spain emerged whose leaders began to compete with and usurp the authority of the Geonim and the Exilarch. Indeed in places like Muslim Spain, Jewish communities came to depend on Jewish courtiers--physicians, statesman--who had an influential place at the Court.

Jewish communities in Christian Europe, by contrast, never achieved a similar level of international centralization, largely because there was no Christian authority in Feudal Europe who vested a central Jewish authority with the power to govern. Accordingly, there was no obvious mechanism provided for Jewish self-government, and tiny communities in the Rhineland, for example, entered into social contracts in which each individual agreed voluntarily to be placed in excommunication if he did not obey the rulings of the communal court. Again, we can see that rabbinic authority derived from the consent of the community.

In Christian Spain, by contrast, the Jewish aljama in

each district was vested with authority by the Kings, and each was governed by elected representatives of various communal factions. Indeed, there was much intracommunal conflict--between representatives of the traditional lay aristocracy, and rabbinic advocates on the one hand, and working class Jews on the other--about who ought to assume communal leadership.

It was in 15th and 16th century Poland that Jews achieved a maximum amount of centralization through the development of the Council of the Four Lands, which governed all of Poland and Lithuania. Each locality elected representatives, and this central assembly collected taxes, controlled the appointment of rabbis and other religious functionaries, provided social services, and legislated behavioral norms throughout the realm. But again, though certain realms of authority were designated as rabbinic, the specific rabbis appointed were subject to nonrabbinic appointment and dismissal.

The examples could be multiplied, but the point to be illustrated remains the same. Structurally the underlying ideology of traditional rabbinic Judaism vests authority to teach and adjudicate in rabbis who are expert in the traditions of the Torah and are thus qualified to make decisions about questions of law. In practice, however, Jewish communities have assumed a variety of forms of governance, often dependent on external political factors, and Jews have, more often than not, found themselves

governed in most aspects of their lives by lay-administered community charters rather than by rabbinic scholars.

It would thus be a misrepresentation to assert that rabbinic authority reigned supreme in traditional Jewish communities. That only appears to be the case when Judaism is defined, often on a Protestant Christian model, as primarily a religion. In the halakhic, religious, sphere, rabbis have served as authoritative judges and teachers. Inasmuch as Jewish life has extended beyond that sphere to encompass all aspects of the Jewish community's political, economic, social, and cultural life, it is incorrect to imagine the rabbi as in the exclusive role of authority.

The second point--that not even all religious matters subject to authority have been of the halakhic sort--also serves to qualify our understanding of the rabbinic role. Often the civil and ritual laws of the halakhah have served as the givens of Jewish life but have not led Jews to "follow" halakhic authorities in matters of ultimate concern. Those in 13th century Spain and Provence who called themselves "Maimonideans" and who sought to follow Maimonides in his philosophical reinterpretation of the purpose of Jewish life; those in the 16th century who adopted the mystical teachings of the kabbalistic teacher Isaac Luria; those in the 18th century Eastern Europe who joined the Hasidic movement founded by the Baal Shem Tov--all of these Jews picked their authorities not because they were halakhic masters, but rather because they offered a new approach to

uncovering the mysteries of the Torah. In many such cases, leaders of such movements were not conventionally recognized rabbinic authorities and often did not have ordination at all; often, their credentials included the fact that they were in opposition to conventional authorities.

### Rabbis, Laity, and Scripture

How then are we to characterize the respective roles of rabbi and layperson in traditional Judaism? It is most important to locate the rabbinic role as limited primarily to that of judge and teacher. Traditionally, rabbis have not been occupied with delivering sermons or making pastoral visits, though some were great orators and pastors. Rabbis serve no irreplaceable, sacramental role in covenantal ceremonies such as brit milah (circumcision), marriage, or funeral, nor is a rabbi needed at a worship service of any kind; all of these events require nothing more than a minyan--a community of ten Jewish adults--that is sufficiently knowledgeable to recite the mandated liturgy. Nor have rabbis often found themselves in a position of civil authority by virtue of their rabbinic credentials; it has been Jewish communities who have usually accepted the rule of Jewish law-(halakhah), and have appointed rabbis to serve them as teachers and judges.

Thus, it has been altogether possible for Jewish communities to function effectively according to halakhic principles without a rabbi in their midst. No aspect of

traditional Jewish life requires the service of a rabbi. If such rabbi-less communities are to be considered lacking at all, it would be in something resembling spiritual impoverishment. Insofar as a rabbi is someone who is fluent in the overwhelming host of sources and texts of the rabbinic tradition and thus has access to the intricacies and insights contained therein, a community that lacks a rabbi is deprived of the spiritual nourishment that a rabbinic teacher can provide. It is in the tradition, however--in the generations of interpretation of Torah--that the authority and the nourishment resides; only occasionally is it accurate to say that rabbis have possessed a charisma that has attached to their persons.

To say that lay Jews have not required rabbinic leadership, then, is not to imply that Jews have been able to dispense with rabbinic teachings. It is rather to assert that those teachings can function independently as sources to which all Jews have access. Study of Scripture has not occupied a particularly esteemed role in the hierarchy of traditional values. Children are taught the Pentateuch and are then graduated to the more important study of the Talmud and other rabbinic writings, which contain the theoretical and practical implications and instructions to be derived from the authorized, rabbinic readings of the Written Torah. When Jews have studied the weekly portions of the Pentateuch that are read in the synagogue, they

have studied the rabbinic commentaries to them as much or more than the texts itself; hence, the layout of the Rabbinic Bible, mentioned above, which contains relatively little biblical text as compared to the accompanying commentaries.

Thus, in no sense can it be said that lay Jews have had independent and immediate access to religious authority through the reading of Scripture. The Written Torah, assumed to be the repository of profound and revealed divine wisdom, has not been considered a direct source of instruction or inspiration to the average Jew. Its profundity and secrets require expert interpretation, and the corpus of rabbinic commentaries has provided Jews with access to those secrets. It would almost be irreverent for a traditional Jew to expect that he could open up the Bible and have it speak directly to him.

#### Modern Variations

The constants of the traditional Jewish world described above have been shattered by the breakdown of traditional Jewish communities and the advent of the modern era. At least in Western democracies, the Jewish crisis of modernity has consisted, in brief, in the granting of citizenship to individual Jews. Citizens of non-Jewish nations and subject to their laws, Jews now have the unprecedented opportunity to choose whether or not to identify as Jews and to engage in Jewish practice. Moreover, large sections of the halakhah--categories of law that deal with civil

cases, for example--have been superseded by the laws of the nations in which they reside, so that even those who maintain halakhic allegiance find themselves loyal to a considerably abridged corpus. Further, inasmuch as Jews are now integrated culturally into the societies in which they live, they are subject to intellectual and cultural influences that serve to undercut the traditional authority that had been effortlessly attributed to rabbinic rulings. To give just one such example, the prevailing notion that historical research can provide the contextual and causal factors by which ritual and legal practices and institutions developed creates a climate in which rabbinic wisdom, formerly thought to be timeless, is seen as a product of the ages in which it developed.

In response to this crisis of modernity, contemporary Jews have developed an assortment of responses, each of which colors the role of rabbi, laity, and Scripture in different ways. Orthodox Jews continue to affirm the divinely revealed nature of Written and Oral Torah and the timeless truth and validity of rabbinic traditions. Thus, the Orthodox rabbi continues to function in ways that approximate the pre-modern rabbinic role--as halakhic teacher and judge--and laypeople continue to abide by rabbinic rulings. It is important to note, nevertheless, that the new circumstances of modernity--in which rabbis occupy no official communal role and in which the term "community"



itself takes on a new meaning--compels even Orthodox rabbis to engage in a measure of unprecedented preaching, pastoral work, outreach, and persuasion. The rabbi can rebuke his congregants, but he has only the compelling power of social pressure to get them to act according to his rulings. In this context, there continue to be gedolei hador--halakhic authorities whose responsa command the respect of Orthodox communities around the world--and their authority is based on widely acknowledged wisdom and expertise.

The situation in the non-Orthodox world diverges widely from this situation. Conservative Jews continue to affirm the authority of halakhah--now acknowledged as evolving and thus capable of reacting to contemporary currents (e.g., the innovative inclusion of women where they had been previously excluded), and so rabbinic committees continue to pass judgments about questions of halakhic practice. In fact, however, studies show that most lay Conservative Jews, though they nominally affirm halakhic authority, do not live according to its commandments. Their practice is rather determined by such factors as ethnic identification, nostalgia, and voluntarily-assumed tradition. Reform Judaism has affirmed individual autonomy as supreme, so that rabbis serve more as liturgical leaders, preachers, and pastors than as authorities. Reconstructionist Jews, observing that we no longer live in halakhically governed communities and affirming that Judaism

has always evolved to adapt to new circumstances, have attempted to chart an entirely new rabbinic role.

Reconstructionist rabbis in no way seek to legislate practice; they function as experts in Jewish tradition who function to teach lay Jews enough about those traditions to make their own individual and communal decisions about how to apply Jewish practice in an unprecedented set of circumstances. Out of that study is supposed to emerge community norms that may vary from community to community.

All of this has radically transformed the respective roles of rabbi, laity, and Torah. In the absence of autonomous Jewish communities and a consensus about the authority of halakhah and its rabbinic interpreters, non-Orthodox rabbis find themselves required to convince their congregants of the value of Jewish living. Rabbis--Orthodox and non-Orthodox--are hired and fired by congregational boards who judge their performance as much on the basis of their skills as orators, administrators, and counselors as for their expertise in matters of Jewish tradition. The reasons that lay Jews affiliate with congregations often do not coincide with the agendas of their rabbis, so that synagogue services are often infrequently attended, for example, and Jews do not devote themselves to Jewish study and practice at levels their rabbis implore. In addition, it is important to recall that in the U.S.A., over half of all Jews are not affiliated with a synagogue.

Furthermore, in a world in which there is a profusion

of published works about Jewish matters, written by non-rabbinic scholars of Judaic studies and non-rabbinic popular writers as much as by rabbis, literate lay Jews are no longer dependent either on rabbis or on rabbinic writings for their study of Jewish tradition. A best-selling paperback that presents the Bible in terms of the Documentary Hypothesis may influence Jews far more than the sermons or adult education classes of their rabbis. Indeed, traditional rabbinic writings--biblical commentaries, halakhic treatises--are far less accessible to most Jews, both because of the language in which they are written and because of their alien idiom, than are books that approach Jewish civilization with the historical and social scientific assumptions of the culture in which they are educated. The study of Torah has thus come to be expanded to include much more than the Bible and traditional rabbinic writings; Jews often study nontraditional, contemporary Jewish texts as well as works by non-Jews and feel as if they are engaged in the commandment to study Torah.

In this climate, the authority of the rabbinate is severely eroded, and that is not always regarded as a regrettable situation. Non-Orthodox rabbis influence Jews because of their pedagogical talents or pastoral sensitivities. They are often regarded ambivalently by lay Jews: on the one hand elevated as spiritual leaders worthy of reverence and responsible to live in exemplary ways; on the other hand reduced to a level no more worthy of respect than anyone else.

In the State of Israel, an entirely different situation prevails. The Orthodox rabbinate is empowered to control matters of personal status and has in addition broad political leverage to influence the way the society functions-- for example, what is permissible on the Sabbath. For the minority of Israeli Jews who are Orthodox, the rabbi functions in traditional rabbinic roles. For the overwhelming majority of Israeli Jews who consider themselves secularists, rabbinic authority is regarded indifferently at best. Non-Orthodox forms of Judaism have attracted the interest of very small numbers. The Bible is taught in the public school system as a document of Jewish historical interest and cultural pride, so that Israeli children are often scriptural experts in astonishing ways. It is not, however, regarded as a text to which religious authority ought to be attributed.

Thus, the modern transformations of Jewish life may be said to have made it difficult to speak coherently and uniformly of the traditional categories of rabbi, laity, and Torah. It is reasonable to assert that those categories, as well as most aspects of contemporary Jewish life, are in transitional states as Jews continue to adapt to unprecedented circumstances. And in attempting to compare and contrast Judaism with other religious traditions, it is important to note that the use of the traditional categories of rabbinic Judaism may ignore the current realities under which most contemporary Jew now live.

In part, this is a consequence of the fact that Judaism has never been exclusively an enterprise that can be defined as "religious." Even in pre-modern Jewish communities, as noted above, the role of rabbinic authority and rabbinic teaching was far from all-embracing, and communities functioned as the overriding reference point. In the contemporary world, however, that situation has been magnified. Most committed and serious people who identify as Jews today do so because of their desire to embrace and perpetuate a tradition that they find enriching and meaningful. They do so, however, without a great familiarity with that tradition, as it has been presented by rabbinic authorities, and they do not do so either because they consider rabbinic pronouncements authoritative or the Torah as literally the Word of God. In some ways, the prevailing emphasis on community building, Jewish education, culture, and social services, defense against anti-Semitism, the upbuilding of the State of Israel, and community pride can be seen as continuous with the occupation of previous generations on community governance. What has changed, however, is that the basis for all of those commitments is much less based upon a faith that the Written and Oral Torah and its current rabbinic interpreters represent a timeless truth that deserves the obedience due to divinely revealed commandments.

