

The Gaon of Vilna, the Ḥatam Sofer, and the Ḥazon Ish: Minhag and the Crisis of Modernity

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in close collaboration with the author.*+*

We have seen that from the 1930's to the 1950's at least, the position of the Ḥazon Ish remained consistent and unyielding: A *minhag* has no

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+ *Devarim Vehoraot* = R. Meir Greiniman, *Kuntres Devarim Vehoraot Mimaran ZLLHH*, at the end of his book *Imrei Yosher*, Bnei Brak 1973.

Dinim Vehanbagot = R. Meir Greiniman, *Liklut Dinim Vehanbagot Mimaran Ha ḥazon Ish ZLLHH*, Bnei Brak 1996.

Ḥazon Ish = R. Avraham Yesha'yahu Karelitz, *Ḥazon Ish* [on talmudic tractates and sections of the *Shulḥan 'Arukh*], Bnei Brak 1994.

Kovetz Igrot = R. Avraham Yesha'yahu Karelitz (R. Shmuel Greiniman, ed), *Kovetz Igrot Maran Ḥabazon Ish ZLLHH* (1-3), Bnei Brak 1990.

Orhot Ish = R. Shemaryahu Greiniman, *Orhot Ish—Peninim Ugenazim*, 1st edition, Jerusalem 1989.

Teshuvot Ukbtavim = R. Avraham Yesha'yahu Karelitz (R. Meir Greiniman, ed.), *Teshuvot Ukbtavim Mimaran Ḥabazon Ish (Orah Ḥayim, Zera'im, Kodashim)*, Bnei Brak 1991.

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normative status of its own, and at best can only be adduced as evidence for an actual halakhic ruling, which in turn derives its authority strictly from corroboration by qualified halakhists. It now remains for us to clarify the origins of that position.

According to the theory of Friedman and Soloveitchik (preceded, in a very condensed manner, by J. Katz),¹⁵³ what we have here is the expression of a sense of breakdown in the religious life of traditional society. When Jewish society, the locus for the preservation of Jewish customs, was breached on every side, its ways no longer reliably reflected the true religious norm. In such circumstances the halakhist turns to the reliable sources; that is, to written texts, and likewise to those persons having the authority to interpret those texts and affirm what is written in them: the great Torah sages (*gedolei haTorah*). Friedman and Soloveitchik argue that the crises of Jewish migration and the Holocaust intensified that sense of breakdown, thus contributing decisively to an interruption in the continuity of the living tradition.

It is doubtful whether that claim, when applied to the *Hazon Ish* as an individual, can withstand critical examination. As already mentioned, the Litvish (Lithuanian) ethos, having roots in the distant past, and especially in the nineteenth century onward, places the talmudic scholar (*talmid hakham*) on a pedestal, seeing him as exemplifying the highest level of attainment to which one can aspire in religious life.¹⁵⁴ It was that attitude that created Litvish elitism, whose tendencies are to give credence to talmudic scholars, while displaying a measure of suspicion toward the ways of the larger community.

We could discern that attitude earlier in the positions of the author of *Hokhmat Adam* who lived long before the onset of the modernization process in Lithuania, and of the author of *Arukh Hashulhan*, written during the period in which those processes began to crystallize, but considered nonetheless to represent a somewhat traditional (pre-Orthodox) line of halakhic decision making.¹⁵⁵ The *Hazon Ish* too, no

¹⁵³ Jacob Katz, *Leumiyut Yehudit*, Jerusalem 1983, pp. 158-159.

¹⁵⁴ See Immanuel Etkes, *Yahid Bedoro*, Jerusalem 1998, pp. 246-264; Shaul Stampfer, *Hayeshivah Halitait beHitbavvutah*, Jerusalem 1995, index entry “*Torah, Erekb baLimmud*.” On the very early roots of this attitude, see Haim Hillel Ben-Sasson, *Retzef Utemurah*, Tel Aviv 1984, pp. 258-276.

¹⁵⁵ See Haym Soloveitchik, ‘Rupture and Reconstruction—the Transformation of Contemporary Orthodoxy’, *Tradition* 28:4 (1994), p. 67. On Rabbi Epstein’s openness to modernity, see Simcha Fishbane, ‘The Boldness of a Halakhist: Rabbi Yechiel Mechel Epstein and Modernity’, *The Interaction of Scientific*

doubt, was nurtured from a young age on that point of view. Earlier we examined the sources that demonstrate this, in which the Hazon Ish expresses the view that Torah study is a discipline of abstract concepts that earns its adherents exalted qualities attainable only by an elite few, and not by the “intellectually impoverished” (*dalat ba’am*). The tradition of the halakhic decision-making process is thus the prerogative of the great Torah sages alone.

The Hazon Ish expressed this position as early as 1913, in his “Letter to a Gentile Officer” (v. supra 108-109), which he wrote during the Beilis trial, while living in Chweidan (Kvedarna), after moving there from his native Kosova (Kosów Poleski) following his marriage (1906). As those two towns were rather small (not to say far-flung), it is doubtful that the modernization movements had a deep influence on them. Clearly, it is quite difficult to claim that there was any interruption in the continuity of tradition in that period of Lithuanian Jewish history, and it was also definitely not a community of Holocaust survivors or refugees. The very same position is also evident in the Hazon Ish’s book *Faith and Trust*, probably written after its author was already living in Israel, and also in the letters of the Hazon Ish written in various periods of his life.

The Litvish elitism to which the Hazon Ish subscribed was a consolidation of various aspects of the myth surrounding the Gaon of Vilna. And indeed, we find the Hazon Ish himself expressing extreme admiration for the Gaon. The Hazon Ish did not, as a rule, hold the later authorities (the *Aharonim*) in high esteem, except for select individuals. But the Gaon was in his view such an obvious exception that he saw the Gaon as one of the earlier authorities (the *Rishonim*)—following the lead of R. Hayim of Volozhin who had already expressed the same opinion¹⁵⁶—and considered him one of the most important links in the

and Jewish Cultures in Modern Times (Y. Rabkin and I. Robinson, editors), Jewish Studies 14 (1983), pp. 67-85.

¹⁵⁶ Hazon Ish on *Orah Hayim* 13:1, et al. On R. Danzig, see his *Zikbrū Torat Mosheb*, Jerusalem 1957, Introduction, p. 31: “The pious Rabbi Eliyahu [...] was an angel, similar to one of the *Rishonim*.” (He does not, however, address the question of his halakhic authority.); On R. Hayim of Volozhin, see R. Barukh Epstein, *Mekor Barukh*, Vilnius 1928, vol. 1, p. 584 (where R. Hayim of Volozhin is quoted to have said that the Gaon was “not like the *amora'im*, nor even like the *rabbanan savora'ei* or the Geonim, and not like Rabbi Yitzhak Alfasi or Maimonides, but perhaps like Nahmanides.” Here, too, it is not clear whether or not he is referring to his halakhic authority.) My thanks to Shlomo

chain of transmission of the Oral Torah (*Kovetz Iggerot* 132). According to the testimony of one of his students, the Ḥazon Ish did not dare disagree with the Gaon until he was in his forties.¹⁵⁷

These expressions of glowing admiration aside, the biographies of the two men also exhibit certain common features, such that it seems that the image of the Gaon actually served as a model for the Ḥazon Ish. Like the Gaon, the Ḥazon Ish saw Torah learning as the highest ideal and dedicated his life to it. Both men were reclusive personalities who engaged in Torah learning far from public view. They both studied Torah with rare diligence and their learning embraced virtually all areas of Halakhah, including the so-called “unpopular” ones. Neither held any official rabbinical position, nor—so far we know—did either even receive rabbinical ordination. And both avoided communal involvements until their later years.

Moreover, the Ḥazon Ish followed in the footsteps of the Gaon also in the doctrinal plane: He preferred to base his learning, as well as his halakhic decisions, on talmudic period sources and the *Rishonim*, and would admit to the cogency of a *minhag* only when doing so was fully consistent with those sources.

As for the distance they kept from the masses, it seems that this was for both men as much a component of their fundamental outlook as a feature of their personalities. This was so, in all events, during their formative years, and essentially through their old age, when both, notwithstanding their reclusiveness, and almost perforce, became the most conspicuous leaders of epic historical battles in which they saw themselves as defending the very foundations of Judaism.¹⁵⁸

If the pendulum swings in the history of Halakhah alternate between the poles of “return to the texts” and “return to *minhag*,” then the Gaon is the most visible exemplar of the “return to the texts” school of the eighteenth century—or, more precisely, of returning to the ancient texts:

Tikochinsky for bringing this source to my attention. See also R. Dov Eliach, *Hagaon*, Jerusalem 2002, vol. 1, pp. 47–56; *ibid.* vol. 2, pp. 688–697.

¹⁵⁷ R. Yosef Avraham Wolff, *Rabboteinu*, Bnei Brak 1975, p. 95; R. Shlomo Cohen et al., *Peer Hador*, vol. 1, Bnei Brak 1967, p. 169.

¹⁵⁸ Did the biographers of the Ḥazon Ish “stitch together” their account to make it consistent with that venerable precedent, or did the Ḥazon Ish himself, because of his own veneration for that precedent and what it stands for, mould his own character under its influence? The history of the Ḥazon Ish as elaborated and analyzed above would seem to better support the second of those two possibilities.

the Talmuds and the midrashim of the Sages.¹⁵⁹ Although we are not privy to the Gaon's thought processes as he pursued that course, we can infer from his general outlook that he viewed those primary sources as the purest, simplest, and most lucid foundations of authentic Judaism, as opposed to the thicket of casuistry on the one hand and the accretion of popular customs on the other—many of which were based on superstition—that were then commonplace.

The methods of the Gaon included, inter alia, a critical attitude toward the halakhic works of the *Aharonim* and even of the *Rishonim*, a critical attitude toward printed editions, and—not least—a critical attitude toward *minbagim*. His method was to first attempt to anchor the halakhic norms current in his day to the sources of the Sages, by finding either explicit mention, or at least oblique allusion, to such customs in those sources. However, when the Gaon could find no such source, he did not hesitate to rule against the custom, even in direct opposition to the *Rishonim*, the *Shulhan Arukh*, or established practice. The Gaon's halakhic pronouncements in those areas gave rise to a full corpus of *minbagei haGra*, including, inter alia, an independent prayer version, different from the standard Ashkenazic liturgy, and based on the results of the Gaon's critical research into the correct readings of the Jewish prayers (“*Nussah haGra*”). As early as the nineteenth century many of the above were anthologized in a number of works, the best known of which is the collection *Ma'aseh Rav*.

Even if those customs did not garner wide acceptance among the rank-and-file Jewish population of Lithuanian Jewry to any appreciable extent, the myth of the Gaon was a major cultural factor in fashioning the character of that Jewish milieu over the course of generations, and his fundamental outlook very markedly influenced its learned and rabbinical elite.

As already mentioned, it is almost certain that this position of the Gaon concerning *minbag*, and his critical views in general, are inextricably linked to the scale of social and human values in which the Gaon had matured. It seems reasonable to believe that in the Gaon's opinion the wisdom of the Torah—about whose superiority he wrote at great length in his commentary to the book of Proverbs and in other

¹⁵⁹ See the introduction of R. Hayim of Volozhin to the Gaon's commentary on *Shulhan Arukh*; Rav Tzair (Chaim Tchernowitz), *Toledot Haposkim*, New York 1947, vol. 3, pp. 208–210; Etkes, *Yahid Bedoro*, pp. 21–26; Betzalel Landau, *Hagaon Hehasid MiVilna*, Jerusalem 1978, pp. 313–317; Eliach, *Hagaon*, vol. 2, pp. 677–682, 684.

works—cannot be determined based on random factors, such as considerations arising from one particular responsum, or as the result of influences or circumstances specific to a given time or place, or the popular customs of the general population. The ideal of the recluse who studies in isolated seclusion is an ideal that demands a clean separation from all of the above, for the sake of focusing on the wisdom of the Torah in its theoretical, abstract form.

As stated earlier, the image of the Gaon eventually became a symbol idealized by all of Lithuanian Jewry, which the Hazon Ish too internalized in the early stages of his spiritual growth, in such places and at such times that he was only minimally exposed to the ravages of the crisis of modernity. We can thus suppose that that basic approach, whose origins are in the ideal of *talmid hakham*, is what informed both men's attitudes toward *minhag*. And as we have seen previously, that approach may be viewed from various perspectives as an eminently Litvish one—from the end of the eighteenth century onward, at least.

It is sufficient to consider just a few of the names already mentioned in this chapter—the Gaon of Vilna, R. Avraham Danzig (author of *Hayei Adam*), R. Yehiel Mechel Epstein (author of *Arukh Hashulhan*), and even the *Hafetz Hayim* (whom Soloveitchik identifies as representing the “return to the texts” camp) —to see that we speak here of an ideal that influenced the character of all of Litvish rabbinic culture. We cannot assert this as a sweeping generalization, of course, for even the Lithuanian *poskim* were not totally indifferent to popular custom. But we can detect their obvious preference for customs based on talmudic sources, and also their distinct reservations concerning those customs not firmly anchored in the bedrock of rabbinic authority.

In light of all of the above we may ask ourselves: Is the Hazon Ish's attitude toward popular custom related to the crisis of the modern era, and, in particular, the crises of secularization, the Holocaust, and migration? I believe that the analysis I've proposed above provides a solid basis for answering that question in the negative. For we feel convinced that the Hazon Ish's position on the status of Torah scholars for establishing *minhag*, as opposed to the status of the “intellectually impoverished” did not originate in crises of that sort. He experienced those three crises long after his personality and his approach to Halakhah were formed, including his elitist viewpoints and his suspicious attitude toward *minhag*.¹⁶⁰

¹⁶⁰ As an aside here we should point out that the Hazon Ish was no less critical toward *minhagim* having a firm basis in written sources than he was toward

As we've already seen, the "return to the texts" approach evident in the Hazon Ish's halakhic rulings drew its strength from different, earlier sources, and had no need for any of those other developments. The sources we mean are, first and foremost, the spirit of exclusivity that dominated mitnagdic Lithuanian Jewry, compounded with other elements—primarily terminological—adopted from the rationalist thinking of the Middle Ages. Thus, regardless of whether the Litvish spirit of exclusivity received its character from the Gaon and his disciples, or (as H. H. Ben Sasson argued¹⁶¹) it is rooted in earlier periods, its origins clearly predate the crisis of modernity.

For the sake of completeness in substantiating our arguments, we could cite two additional examples to serve as test cases. The first of those is the Hatam Sofer and his successors,¹⁶² the "Hungarian school"; our second example is twentieth-century Hasidism.¹⁶³ Both of these groups demonstrated great fidelity to the popular, living tradition and elevated it to the status of an ideal. Practically speaking, the essential message of the Hatam Sofer's catchphrase, "The new is forbidden by the Torah," refers to the preservation of *minhagim*, *humrot* (stringent rulings), and the like, since the other parts of Jewish law—i.e., those based on the books—had already been considered immutable even before him.

As for the *hasidim*, in addition to preserving the customs of *hasidut* generally, each *hasidic* group also observed, ardently and meticulously,

those that were obviously nothing more than popular custom, as demonstrated by the case of the *tzaddi*. Only those customs that accorded with true Halakhah as defined by venerated sources—the talmudic sages and the *Rishonim*—as he understood them had any credibility in his eyes.

¹⁶¹ See supra, note 154.

¹⁶² On the Hatam Sofer's approach to this question, see Moshe Samet, *He'badash Asur Min Hatorah*, Jerusalem 2005, pp. 304–309, and the collection of sources cited by Strasser and Perl in *Rabbeinu He'Hatam Sofer Mippi Ketavo*, Jerusalem 1993, pp. 33–39. We saw earlier (supra pp. 438–439) the same attitude expressed by Rabbi Menasheh Klein ("the Ungvarer Rov") in his opinion of the debate over the units-of-measurement issue.

¹⁶³ The attitude of Hasidism toward *minhag* will require a more detailed study. Meanwhile, see Aaron Wertheim, *Halakhot Vehalikhhot Bahasidut*, Jerusalem 1989, p. 63; Rabbi Yesha'yah Feisch Halevi Ruttenberg (Rebbe of Ruzla), *Zammeru Lishemo*, Jerusalem 1996, pp. 4–7; R. Yekutiel Yehudah Halberstam (Rebbe of Zans-Klausenburg), *Shefa' Hayim: Hamidrash vehama'aseh*, New York 1993, p. 138 (my numbering); Rabbi Yoel Teitelbaum, *Darkhei Yoel: Otzar Minhagei Hasidim*, Jerusalem 1990, pp. 130–184.

its own particular *minbagim* (as attested by several generations of steadily increasing literature about the customs of the many hasidic groups). The observance of each group's customs and its fidelity to the historical dynasty of its rebbes are essential components for preservation of the "atmosphere" of each contemporary hasidic group, and the glue that bonds it together.

These two Orthodox movements, the Hungarian-Orthodox and the latter-day hasidic, held fast against the crisis of modernity and against those phenomena deemed to have caused the interruption in the continuity of tradition. Note, however, that these two groups did not opt for the "return to the texts," but, in a rather sharp contrast, for the "return to the *minbag*." If for the Litvaks the books and the rabbis were the bedrock of tradition, for the Hungarians and the hasidim it was the home and the community that served this function.

These two Orthodox groups turned *minbag* into an endless opportunity for the creation of new *humrot*. And this only goes to show that it is not always a broken connection with the "living tradition" that facilitates the creation of a dynamic of *humrot* (as Friedman and Soloveitchik argued). In fact, sometimes the exact opposite is true.¹⁶⁴

One might counter that the circumstances here are not comparable. Among Hungarian Jewry at the onset of the period of the Emancipation, as likewise in the various Hasidic groups, a relatively tight-knit community framework still remained, whereas in Israel after the Holocaust the thread of continuity had been severed absolutely. But this argument too fails to withstand critical examination.

On the one hand, the hasidic groups remained faithful to their *minbagim* even after the Holocaust—and not merely as lip service—even though the historical continuity of their existence had been severed no less than that of the Litvaks. But on the other hand, in the formative years of the Hazon Ish in late nineteenth-century Lithuania, the traditional Jewish community remained intact, relatively speaking, such that even if cracks began to appear here and there, the situation was still better than that of the Jews of central Europe in earlier generations. Moreover, the Hatam Sofer's legacy of protecting the *minbagim* was furthered by the *poskim* who succeeded him, although the latter were faced with a situation of communal disintegration that was far more serious than in his days.

¹⁶⁴ See Benjamin Brown, "Hakmarab: Hamishab Typusim min ha'et habadashab", *Dine Israel* 20-21 (2001-2), pp. 123–23.

We have demonstrated, in any event, that in all these cases the path of dependence on *minhag* and the path of viewing *minhag* with suspicion were equally viable options for the halakhists, and the decision of which of those approaches to adopt had to be based more on the dominant values of a given community's traditions than on considerations connected with the struggles and crises of modernity. The critical attitude toward *minhag*, and likewise its adoption by the Hazon Ish, are the result of a premodern traditional Litvish ethos (even if that tradition was a relatively recent one).

However, the phenomenon of “return to the texts” as portrayed by Friedman and Soloveitchik was not endemic to Ashkenazic ḥaredi society as a whole, for it occurred only within its Litvish component, whence those scholars took the bulk of the examples cited in their research.¹⁶⁵

Does all this undermine the Friedman–Soloveitchik theory in its entirety? Not necessarily (even if the analysis heretofore may seem to be pointing in that direction). Their rationale does successfully prove that in the ḥaredi society—the Litvish, at least—there was significant rise in the strength of the “return to the texts” approach. Taking that as a given, there is no doubt that the crises of secularization, the *aliyah* to Israel, and the Holocaust were all contributing factors. It is inherently difficult to construct a satisfying explanation of developments in the Jewish world over the last century without taking those crises into account and without attaching to them any real importance. Those crises occasioned changes of such major proportions in the Jewish nation, and were responsible for such serious trauma in broad segments of its population, that it is absolutely impossible to suggest that the continuity of tradition remained unaffected.

Seen from this angle, Friedman's and Soloveitchik's arguments can be considered highly convincing. But we must distinguish here between two factors: the first, the driving force behind the creation of a given ethos; and second, the reason that a given ethos is ultimately adopted by society in the manner and to the extent that it is.

In our specific case—the halakhic methodology of the Hazon Ish—it seems more likely that the factors behind the creation of the ideological position we've described have nothing to do with the crisis of modernity, and are rooted mostly in matters of environment and personality, of which the most significant example is the mitnagdic

¹⁶⁵ My thanks to the late Professor Yisrael Ta-Shema for bringing this point to my attention in private conversation.

tradition of Lithuania (and the Hazon Ish's intellectual development, in particular), in which Litvish sources were mingled with medieval philosophical sources.

But as for the reason that the Hazon Ish's approach was adopted by ḥaredi society, we can assume that the crises of secularization, *aliyah*, and the Holocaust all contributed to that process, and all the more so to its intensification and radicalization.

All that notwithstanding, the role of the individual in history, and, in our case, the Hazon Ish's role in the history of the ḥaredi society in Israel—must also be taken into account for the purpose of this inquiry.

In summary, then, we would say that the Friedman-Soloveitchik theory is found wanting from the standpoint of the first factor, given that the Hazon Ish's approach is rooted in the mitnagdic ideal of talmudic scholarship and in medieval Jewish thought, both of which predated the crisis of modernity. Their theory remains mostly convincing, however, as concerns the second factor, namely, the reason that the Hazon Ish's approach was so readily adopted by the ḥaredi community at large, particularly in Israel.

This distinction, however, rather than being applicable to the Hazon Ish exclusively, would seem to allow us to draw tentative, *prima facie* conclusions about the nature of Orthodox Halakhah in general, and the methodology of and assumptions about the study of Orthodox Judaism.

Jacob Katz's theory about Orthodoxy are composed of two layers. The first is his argument of "Orthodoxy as response"; the second is his claim about the interruption in the continuity of tradition.

The first layer asserts that the crisis of modernity and the disintegration of the Jewish community occasioned several forms of response, of which Orthodox Judaism is but one instance. The rabbis, seeing that Judaism was in a state of distress, and believing that it was their obligation to protect and fortify it to the best of their ability, created new forms of response. Instead of the *ad hoc* approach employed by the premodern halakhists, they created a response built on a large-scale comprehensive policy. The exact nature of that policy varied from country to country and even from city to city, with the full spectrum spanning a wide arc, beginning with "The new is forbidden by the Torah," and ending with the neo-Orthodox "*Torah 'im Derekh Eretz*." All these were intended to preserve the character of traditional Judaism, but in actuality they significantly changed it.

The second layer asserts that the changes were sufficiently radical that, as a result, Judaism turned into a new phenomenon which no longer extends the continuity of traditional Judaism, but—at best—is

merely “anchored in tradition” (as Katz put it), or is a “mutation” of traditional Judaism (in the words of M. Samet).¹⁶⁶ According to this claim, the disintegration of the traditional community and the fact that the majority of that community ceased to be halakhically observant led to a situation where traditional Jewish society could no longer maintain its unbroken, authentic continuity, with the effect that, ultimately, any phenomenon arising as the result of the challenges of the modern era must be taken as a completely new phenomenon.

Katz, and a number of his students as well, viewed both of these layers as comprising a single whole and, by all appearances, they were of the opinion that both layers are ineluctably inseparable. In my opinion, however, more careful observation will demonstrate that the two layers are not by necessity connected, and that it is possible to accept the first layer, while rejecting, whether completely or in part, the second layer.

It is difficult to disagree with the assertion that the crisis of modernity forced the rabbis to orient themselves along different battle lines, and it is likewise difficult to not agree that that new orientation altered the trajectory and character of the Halakhah. And yet we are entitled to inquire how profound that change actually was, and whether it was intrinsic or extrinsic. We should also ask to what extent this rabbinic response differs from rabbinic responses to earlier ideological challenges that threatened the very foundations of rabbinic Judaism.

I believe that a sober examination of the above questions leads us to the answer that the character of the modern challenges, as well as the rabbinic responses to them, are not so unprecedented as it may first appear.¹⁶⁷ After all, the challenges posed by the Sadducees, by Karaism, and by Christianity were also a significant threat to the Pharasaic-Rabbinic Judaism of their day, and in response to those threats the Halakhah likewise established a series of safeguards, precautions, and other means of defense, but no one claims that those measures changed the character of Judaism to the point of interrupting the continuity of tradition.

Indeed, all of those challenges might be viewed as strictly internal disputes within the traditional world, which is not true of the disputes with the modernist movements. And indeed none of the aforementioned challenges actively shook the foundations of the

¹⁶⁶ Jacob Katz, “Orthodoxy in historical perspective”, *Studies in Contemporary Jewry* 2 (1986), pp. 3-17.

¹⁶⁷ My thanks to Professor Haninah Ben-Menaḥem for convincing me of this point in a private conversation.

fundamental institutions of Jewish authority, such as the rabbinate and the Jewish community, as the events of the crisis of modernity did. But if we were to examine the sum total of all those norms of the halakhic corpus that were altered (added, removed) on account of those changes, we would find that the percentage points amount to single digits only. When all was said and done, *tefillin* were the same *tefillin* as before, the *Shema* was still the same *Shema*, Shabbat the same Shabbat, and unkosher foods the same unkosher foods. But if we further consider that even traditional Halakhah is in a constant state of flux, with pronounced tendencies toward increased stringency—among the Ashkenazim, at least—we would find that any claims of an unprecedented revolution in the trajectory of the Halakhah are exaggerated, and not by little.

Can we say that traditional society remained in place, and the continuity of tradition went along just as it always had? That sort of conclusion would be absurd. Moreover, I don't believe that the above leads to any far-reaching conclusions that would minimize the fundamental distinction between tradition and modernity.¹⁶⁸ Surely there were always transitions from traditional society to modern society that confronted those faithful to tradition with difficult challenges. Surely there were crises brought on by ideological and political changes. And surely those crises had halakhic consequences. However, Orthodoxy was relatively successful at preserving the continuity of tradition from within, even when the external institutions—political and social—were crumbling. Orthodoxy's aptitude for coping with challenges allowed it to find replacements for the old frameworks, thus bolstering its ability to preserve a respectable portion of traditional Judaism's essence. Orthodoxy—including, to a certain extent, also Modern Orthodoxy—succeeded at preserving *islands of traditionalism* within modern society without the underlying conditions of the frameworks of traditional society.

What all this means is that not every defining feature of Orthodox society should be interpreted as the result of a struggle with modernity. There are changes against which the various segments of Orthodoxy continue the ideological and normative features that existed before the crisis of modernity, and they do so not only as a result of an external dynamic of coping with the new, but also out of an internal dynamic of developing the old.

¹⁶⁸ As some contemporary sociologists have suggested. See Avi Sagi, *Hamassa' Hayehudi-Yisreeli: Sheelot shel Zehut veshel Tarbut*, Jerusalem 2006, pp. 87–116.

Modernity always was and still is an important challenge for Orthodox halakhists, but their world is larger than the four ells of that battle alone. It is therefore difficult to construct a convincing theory in which every phenomenon is immediately interpreted as a defense against modernity. For our case, it is difficult to suggest that both loyalty to *minbag* and to the critical examination thereof are “defenses against modernity.” Indeed, we can imagine a situation of two contradictory responses, both of which are perceived as a defense against some threat; but this kind of situation requires explanation, and the burden of proof is on the party that argues for it.

The choice between an enthusiastic embracement of *minbagim* and the suspicious approach toward them is a choice between two paths, each of which has both advantages and disadvantages in the struggle with modernity. When the Hazon Ish adopted his attitude of suspicion, he “gained” certain advantages, while “losing” others. In some cases he took his chances on disputes that ultimately contributed neither strength nor stability to the status of the Halakhah—neither among its guardians nor among its critics. Only in one case—the question of the kosherness of the zebu—did we see that he considered factors affecting the battle with modernity, and sought the protection of *minbag* as he understood it. (“In these times, when there is a push toward Reform, we must avoid doing anything that would appear to permit what *minbag* has always considered forbidden.”) And this even where such a position implies the negation of the established customs of yet other communities of world Jewry.

In a manner no less convincing we could follow that other axis, the premodern, in which the halakhic position of the Hazon Ish on this issue finds its development. From the viewpoint of that axis, we can see that the Hazon Ish’s ideological world drew its nourishment not only from its stance against the forces of modernization, but also from its stance toward the Gaon and his students. Here, there was no interruption in the continuity of tradition. Tradition merely developed in various directions while contracting and expanding in those aspects and others, as all ideas within a living, seething world culture are wont to do, regardless of whether that culture happens to be locked in battle with external forces.

I will not refrain from inserting here yet one more fundamental observation about methodology. Consider the following. On the one hand, when the Hatam Sofer and his successors, the representatives of Hungarian Haredi Jewry, demonstrated superlative dedication to their *minbagim*, and to repelling any criticism directed toward those, scholars proclaimed that an “Orthodox response”—the expression of a

conservative and introverted attitude that tended naturally toward stringency.¹⁶⁹ But then, when in the second half of the twentieth century the Ḥazon Ish demonstrated an excessively critical approach toward *minbagim*—a well-nigh anarchistic position from the Hungarian viewpoint—that too was proclaimed an “Orthodox response”—the expression of a conservative and introverted attitude of stringency. We seem to have no small problem here. The basic premise not infrequently encountered in the methodology of scholarly study of Orthodox Judaism views virtually every feature or indicator of exclusivity detected in the Orthodox world (the very essence of which is conservatism and introversion) as the direct result of a crisis of modernity. It seems that that viewpoint should be tempered. Orthodox responses in general include not a few dynamic extensions of religious principles that have been integral to various components of premodern tradition. These, too, must be taken into account for explaining phenomena that arise in the modern period.

The Ḥazon Ish developed his attitude toward *minbag* without a traceable relation to the crisis of modernity. His attitudes were formulated at a young age based on the Litvish elitism of talmudic scholarship, which was clothed in the garb of a quasi-philosophical elitism. It was an elitism directed not only at those who had “thrown off the yoke” of Torah observance, but also toward the “intellectually impoverished,” whose Judaism was “mediocre, practiced as mere habit” (as he himself expresses it in his *Kuntres Hasbi’urim*, v. supra); that is, toward the ordinary, observant Jewish populace.

The Ḥazon Ish’s approach is therefore relevant even to issues having nothing at all to do with the crisis of modernity—the correct form of the letter *tzaddi*, for example, in Torah scrolls, *tefillin*, and *mezuzot*, and the proper conversion of the ancient units of measurement to contemporary ones. Nonetheless, it is only natural that that same approach would also influence the way the Ḥazon Ish dealt with issues that were related to modernization—the question of the zebu, for example (following his own contention, at least, that a lenient ruling would lend support to the “Reform”). And likewise, as we shall see later, on the issue of the international date line.

¹⁶⁹ Eliezer Katz, HeḤatam Sofer, Jerusalem 1960, pp. 61–64; Samet, *Heḥadash Asur Min Hatorah*, pp. 304–305, 308; Jacob Katz, *Halakhab Vekabbalah*, Jerusalem 1986, pp. 377–378; Michael K. Silber, “The Emergence of Ultra-Orthodoxy: The Invention of Tradition”, in: *The Uses of Tradition* (J. Wertheimer, editor), New York and Jerusalem 1992, pp. 47–66.

If Torah scholars are Judaism's immovable anchor, while the "intellectually impoverished" are not capable of serving in that capacity, it follows easily that when calamity threatens, we should place our reliance on the great Torah sages, not on the "impoverished." In contrast to the Hatam Sofer, however, those same *minbagim* and living tradition were that immovable anchor, and it was thus only natural that he would rely on them when Judaism came under threat.

The common denominator between them, however, is that both their responses to modernization were broad-front approaches, based on policy considerations and on preexisting conceptual premises having no direct connection to the crisis of modernity. From this perspective, Orthodoxy preserves its genuine continuity with tradition, even if certain traditional components require fortification for dealing with the struggles of modernity.

Our coverage would be incomplete if we did not dedicate the last lines of our analysis of the Hazon Ish's approach to its ironic denouement.

Already when the Hazon Ish was still alive, but even more so after his death, his friends, acquaintances, students, and admirers created a private circle within Haredi society. The members of this circle, known as the "Hazon-Ishniks," accepted upon themselves to observe all the halakhic rulings of their admired teacher. So long as they limited themselves to his written rulings, there was nothing here new or surprising; after all, the Hazon Ish wrote his decisions precisely for that purpose. Gradually, however, information began to circulate orally about what the Hazon Ish's "practices" of religious life had been. These reports, which were spread, generally speaking, by word of mouth, and probably included a healthy dose of erroneous information, eventually saw the light of day in written, published form—first as appendices to various works, and later as more substantial, stand-alone compositions.¹⁷⁰ Those published works now serve, somewhat paradoxically, as the corpus of "The *Minbagim* of the Hazon Ish." At first glance this paradox is not one of any major proportions, since we are referring here to customs as practiced not by the "intellectually impoverished," but by an eminent scholar. It is doubtful, however, whether all the customs attributed to the Hazon Ish actually originated

¹⁷⁰ For examples of orally transmitted information of this type, some of which are mutually contradictory in minor details, see *infra*, pp. 491-494, in the section dealing with the Hazon Ish's opinion on the time of the conclusion of Shabbat.

with him. And even concerning those *minbagim* that he did himself practice, it is likewise an open question whether he did so with a notion of commitment (*opinio juris*), i.e., on the basis of a presumption that all those customs should be practiced by everyone everywhere. The editors of such compendia are not unaware of these problems, and such works will thus typically include an introduction with the caveat that the contents of the book should not be used to determine actual halakhic practice. (See, for example: *Dinim Vehanbagot*, pp. 28-29; *Teshuvot Ukbetavim*, *Orah Hayim*, introduction; *Orhot Ish*, p. 229; *Devarim Vehoraot*, forward). But “market forces” tend to get the upper hand in such situations, and many of the Hazon-Ishniks have in fact adopted those customs as actual practices. Thus, those who claim to be speaking in the name of the Hazon Ish have now given support to a series of *minbagim* for which there is frequently no guarantee whatsoever that it was not merely the “intellectually impoverished” who invented and promulgated them. ❧