YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Halakha in the Age of Social Media**

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**In loving memory of Rabbi Dr. Barrett (Chaim Dov) Broyde ztz"l**

**הוֹלֵךְ תָּמִים וּפֹעֵל צֶדֶק וְדֹבֵר אֱמֶת בִּלְבָבו**

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**Shiur #06: *Mara De-atra* in the Age of Social Media**

**Part I: The Local Rabbi in the Globalized World**

The Chief Rabbinate of Israel will soon take up the question of whether to confer Rabbinic ordination upon the search engine Google, since it provides information on Jewish law at least as accurately and reliably as any human who has earned that title, a spokesman for the office announced today.[[1]](#footnote-1)

The above quote is taken from a satirical piece of “Purim Torah.” However, as with any good satire, it reflects a truth about the way that the internet has changed the way people ask, or don’t ask, halakhic questions. Some people rely on “Rabbi Google,” searching for the range of answers available online. However, others prefer to rely on people, though they use phones and the internet to expand the reach of whom they can consult. Instead of turning to rabbis with whom one has a direct, personal connection, there is a plethora of authorities who can be consulted through *Shut* SMS*, Shut* WhatsApp and the like. Others rely on many Facebook groups devoted to crowdsourcing halakhic material.

This phenomenon has been tackled from many angles. For example, Rav Elli Fischer recently spoke about “End of Expertise” or the breakdown of top-down authority.[[2]](#footnote-2) Others have warned about the prevalence of flawed material that is available.

However, here we will focus on a different perspective. Halakhic authorities were traditionally regional or geographic. The local rabbi was the authority for the community. If he chose to consult with greater experts, the laymen relied on his choice of expert. These experts as well were often chosen geographically.[[3]](#footnote-3) Communications technology has made geography almost irrelevant — people will ask questions from whomever they want to, wherever they live. How does this affect the notion of authority? The most poignant concept that must be addressed is that of *mara de-atra* (master of the place), the terms used by the Talmud to refer to the local rabbinic authority to whom all halakhic decisions are to be addressed.

This question must be addressed on two levels. This week we will discuss the breakdown in classic notions of *mara de-atra.* Next week we will discuss the ways in which our ever-shrinking world has managed to recreate a similar dynamic along lines of identity, rather than geography.

**The Right to Rely on the *Mara De-atra***

The notion of a *mara de-atra* has many implications. From the perspective of a layperson, perhaps the most surprising is the right of a community to follow its rabbi, even against the majority opinion. The Talmud seems to celebrate this right. The Mishna in the beginning of the nineteenth chapter of *Shabbat* records a dispute as to what can be done to prepare for a circumcision on Shabbat. While all opinions agree that a *brit mila* which is performed on the eighth day overrides Shabbat, the majority position is that one cannot violate Shabbat to prepare tools for the circumcision. However, Rabbi Eliezer permits it. Commenting on this, the Talmud (*Shabbat* 130a)[[4]](#footnote-4) [[5]](#footnote-5) writes:

With regard to this issue, **the Sages taught** in a *baraita*: **In the locale of Rabbi Eliezer,** where they would follow his ruling, **they would** even **cut down trees** on Shabbat **to prepare charcoal** from it in order **to fashion iron** tools with which to circumcise a child **on Shabbat.**

The Talmud thus records, without qualms, that those living in the city of Rabbi Eliezer would follow his minority position. The Talmud then continues with the story of Rabbi Yosei HaGelili who ruled, again as a minority position, that it was permitted to eat poultry with meat, and whose followers practiced in accordance with his opinion:

**In the locale of Rabbi Yosei HaGelili they would eat poultry meat in milk,** as Rabbi Yosei HaGelili held that the prohibition of meat in milk does not include poultry. The Gemara relates: **Levi happened** to come **to the house of Yosef the hunter. They served him the head of a peacock [*tavsa*] in milk** and **he did not eat. When** Levi **came before Rabbi** Yehuda HaNasi, the latter **said to him: Why did you not excommunicate** these people who eat poultry in milk, contrary to the decree of the Sages? Levi **said to him: It was** in **the locale** of **Rabbi Yehuda ben Beteira, and I said: Perhaps he taught them** that the *halakha* is **in accordance with** the opinion of **Rabbi Yosei HaGelili,** who permits the eating of poultry meat in milk.

The Talmud then goes further, recording that those who followed these minority positions were rewarded for their commitment to their rabbis’ rulings, though according to the majority of rabbis they were violating significant prohibitions!

**Rabbi Yitzḥak said: There was one city in Eretz Yisrael where they would act in accordance with** the opinion of **Rabbi Eliezer** with regard to circumcision, **and they would die at their appointed time** and not earlier, as a reward for their affection for this mitzva. **And not only that, but on one occasion the wicked empire,** Rome, **issued a decree against the Jewish people** prohibiting **circumcision; but against that city it did not** issue the **decree.**

Why does the authority of the local rabbi override the normal rule of the majority? Rav Yom Tov Asevilli(Ritva) cites(*Shabbat* 130a, s.v. *Hayu meitim*) Rav Avraham of Posquières (Ra’avad), who makes two critical points.

The first is that the Talmud’s discussion is limited to cases where there has not been a formal vote to establish the accepted law. If there has been, then the local rabbi must yield. This solves the formal problem of the Torah’s requirement “*Acharei rabim le-hatot,”* “Follow the majority” (*Shemot* 23:2; BT *Bava Metzia* 59b).[[6]](#footnote-6)

Secondly, he argues that members of the town are **obligated** to follow their rabbi under the prohibition of *“Lo tasur,” “*Do not veer [from the words of the rabbis]” (*Devarim* 17:11; BT *Shabbat* 23a). If they are so obligated, they are obviously entitled to do so even against the majority. This position is quite novel, as this verse is usually limited to the rulings of the Sanhedrin, the supreme rabbinic court, or perhaps the consensus of legal authorities that takes its place when the Sanhedrin does not exist.[[7]](#footnote-7)

Regardless of exactly where the authority comes from, it is clear that the Talmud expects the average person to follow his or her local rabbi.

**Rabbinic Respect for the Local Authority**

Elsewhere, the Talmud notes that rabbis would refrain from ruling in places where there was a ruling rabbi. For example, the Talmud (*Pesachim* 30a) records that Rav refrained from publicly disagreeing with Shemuel where Shemuel had authority. Elsewhere (*Eruvin* 94a), the Talmud records that Rav once turned his face away when Shemuel ruled that something was permitted that Rav ruled was forbidden. The Talmud writes that Rav needed to turn away so that it would be clear that he disagreed with Shemuel, but he did not verbalize his opposition out of respect for Shemuel’s local authority. While Meiri explains that Rav only did this because the prohibition in question was rabbinic, Ritva contends that in any case where a rabbi does not believe his colleague has made an outright error, but rather an error in judgment in a case that is not black and white, he is not allowed to challenge the local authority.[[8]](#footnote-8)

While the exact scope of the local rabbi’s authority is unclear, its existence is unchallenged. Rema (YD 245), citing Maharik (*Shut Maharik* 169), adds several restrictions. For example, he writes that a visiting rabbi cannot perform any rabbinic functions that would deprive the local rabbi of his livelihood; nor may he issue ritual rulings, offer sermons, or take rabbinic prerogatives. On the other hand, Rema writes that a qualified rabbi may set up his own rabbinate in the area. The full implications of this principle are beyond the scope of this article, but these examples should be sufficient to indicate the importance of the category.

Several rabbinic writers used this category to claim that the Chief Rabbinate of Israel has legal authority over Israel.[[9]](#footnote-9) While in theory this could be true, as HaRav Aharon Lichtenstein has noted, there would have had to have been an acceptance of their authority as such.[[10]](#footnote-10) In reality, the number of people who feel bound to the authority of the Chief Rabbinate is small, thus vitiating this argument, even if it is theoretically plausible.

**The Breakdown**

However, the intense control the local rabbi had has mostly broken down. Dr. Aaron Kirschenbaum[[11]](#footnote-11) outlines several reasons for this:

First and foremost, the alienation of the masses of our people from Halakha has diminished the "locality" over which the local rabbi is "master" from the autonomous judicial community (*kahal*) of the Middle Ages to the particular (Orthodox) synagogue from which he draws his salary. But even for the halakhic observant Jew, the telephone and automobile have rendered "city" a meaningless term; and "locality," which is now limited to the individual synagogue, may paradoxically also refer to a huge geographic expanse.

In the British Empire and in the State of Israel, the maintenance of a Chief Rabbinate has decreased significantly the role of the traditional *mara de-atra*. Indeed, the Chief Rabbis themselves are often viewed as the *mara de-atra* of the entire country. Also, specialization has overtaken the modern rabbinate so that rabbi (*rav*), rabbinical judge (*dayan*), teacher (*moreh*), and communal leader (*manhig tzibburi*) are seldom incorporated in one man.

Finally, the emergence of *roshei yeshiva* as halakhic decisors whose authority transcends geographic boundaries and, even more so, the walls of the individual yeshiva, has contributed much to the near demise of the traditional *mara de-atra*. Not only do their disciples (*talmidim*) turn to them, not only do the laity turn to them — but the communal rabbi, the local *mara de-atra* himself, as a former *talmid*, also turns to them for *pesak* and guidance. Indeed, the telephone has done much to undo the role and stature of the old-time *mara de-atra*.

It would therefore appear that the *mara de-atra* in the traditional sense survives today chiefly in small communities or in communities far removed from the main centers of contemporary Judaism, i.e. in Israel or in urban America. It is hazardous to predict the future of the *mara de-atra*. Nevertheless, it would appear that there are no significant factors on the horizon in contemporary Jewish life that could stop the historical, sociological and technological processes that are bringing this concept to the vanishing point.

Dr. Kirschenbaum notes that the general lack of commitment to Halakha has weakened the power of the rabbinate. For our purposes, however, his point that advanced communications have made location a “meaningless term” cuts to the heart of our issue. The fact that people can communicate with whomever they want means that **they will.** Rav Ya’akov Ariel is similarly cited as saying:

The concept of *mara de-atra* in our days is very problematic, because people move and wander from place to place, and there are telephones and other means of communication which allow communicating with different rabbis.[[12]](#footnote-12)

Dr. Kirschenbaum made his comments in 1993. As he predicted, the forces that would break down the geographic authority of rabbis have only increased.

However, this has not created a power vacuum. On the contrary, as Dr. Kirschenbaum notes, the increase in communications has enabled the rise of a different kind of authority. Dr. Kirschenbaum defines this as the authority of the *rosh yeshiva*.

However, as we will explore next week, I think the critical category at play is identity. Historically, the local rabbi gained his power due to accessibility. Now, as the world is so connected, people choose whom they ask based on whom they like or identify with. In the past, while people may have wanted to access such rabbis, it was often impossible, or at least difficult. The ease of communications allows and encourages the creation of ideological communities in general, and this expresses itself in whom is given halakhic authority.

**Postscript**

This article describes the reality of what has happened. Next week, we will attempt to justify the replacement of geographical with ideological identification. However, this is not to say that communal rabbis do not still maintain much power. Often, there are many synagogues in an area, and people will choose the one with the rabbi they identify with. Thus, while the shul is chosen for ideological reasons, their rabbi will be local.

Furthermore, there are many questions that will remain local, such as the customs of the shul. It seems, anecdotally, that even people who turn to other rabbis for general halakhic questions will turn to the local rabbi for these kinds of issues.

Third, local rabbis have taken on an even more central pastoral and inspirational role than they did in the past, and often this is more important to their function than being a halakhic authority. Dr. Kirschenbaum describes this aptly, and throws down the gauntlet, challenging rabbis to recognize the change that modern society has brought to their role and embrace it:

The local rabbi, especially in American Centrist Orthodoxy, has been transformed into a modern clergyman, the spiritual leader of his congregation. He, too, faces a challenge as a result of the revolution in modern society. Indeed, it is a greater challenge than even before. Does he possess the religious integrity, the Torah learning, the social grace and the personal charisma to create the respect due his authority? Although no longer the *mara de-atra* in the traditional, historical meaning of the concept, can he, in his relatively new role, serve the needs of his community as his predecessors did in the past?

Thus, even if our analysis is correct, in only shifts the importance of the local rabbi, rather than eliminating it.

1. <http://www.preoccupiedterritory.com/rabbinate-considers-granting-ordination-to-google/> [↑](#footnote-ref-1)
2. Rav Fischer argues that there are four ways in which rabbinic authorities have dealt with maintaining influence in the internet age. Some, such as Rav Hershel Schachter, have argued that a halakhic authority must know Torah without relying on search engines, thus arguing that, by definition, any method of accessing halakhic information that does not rely on personal expertise is worthless.

   Others have become experts at organizing the vast amount of accessible material, thus gaining influence through their ability to guide others through the overload that the internet may cause. Rav Fischer points to Rav Yosef Zvi Rimon as an example.

   Others provide philosophical frameworks that help ground the details in the bigger picture, thus making their halakhic writing inspirational and holistic, and worth reading over the rest of halakhic material that is available. Rav Fischer points to Rav Eliezer Melamed as an example of this model.

   Finally, Rav Fischer notes that Poskim such as Rav Asher Weiss present their positions with such common sense that their positions resonate in a way that much halakhic writing does not. See <https://www.yutorah.org/lectures/lecture.cfm/894989/rabbi-elli-fischer/r-e-fischer-the-end-of-expertise-psak-halachah-in-the-digital-age-2-4-18/> [↑](#footnote-ref-2)
3. In truth, geography may have been less important than culture, though the two overlapped. This point has been demonstrated by Rav Elli Fischer and Moshe Schorr using meta-data analysis of the responsa of many prominent authorities. See their work at <https://blog.hamapah.org/>, especially this post: <https://blog.hamapah.org/mapping/once-a-galitzianer/>. [↑](#footnote-ref-3)
4. All translations taken from the Koren edition. [↑](#footnote-ref-4)
5. See also *Chullin* 116a. [↑](#footnote-ref-5)
6. The issue of whether majority rulings requires a vote is complex. See my discussion here: <https://www.yutorah.org/lectures/lecture.cfm/802192/_Jonathan_Ziring/Halachic_Decision_Making_in_Extenuating_Circumstances>. [↑](#footnote-ref-6)
7. A summary of these positions can be found in my lecture here: <https://www.yutorah.org/lectures/lecture.cfm/821702/rabbi-jonathan-ziring/lo-tasur-and-daas-torah-1-the-role-of-baal-habatim-in-psak-6/>. The *Minchat Chinukh* (496) notes that the simplest understanding of the verse is that it is limited to the Sanhedrin. The *Sefer Ha-chinukh* (495) expands it to include the central authority in every generation.

   Rambam similarly grounds rabbinic authority in each generation in this verse (see, most expansively, his introduction to *Mishneh Torah*). Ramban rejects this expansion, though how he explains the source of rabbinic power is unclear. See the discussion, for example, in Rav Elchanan Wasserman’s *Kovetz Divrei Soferim,* Chapter 1. However, none of these authorities take the position expressed by Ritva, that this verse gives power to every individual rabbi, rather than the leading authorities. [↑](#footnote-ref-7)
8. For a discussion of these positions, see *“Mara De-Atra: A Brief Sketch”,* Aaron Kirschenbaum, *Tradition* 27:4, available: <http://traditionarchive.org/news/originals/Volume%2027/No.%204/MaraDe-Atra.pdf>. [↑](#footnote-ref-8)
9. For the most thorough presentation, see Rav Shaul Yisrael’s *Amud Ha-yemani,* Chapter 6. [↑](#footnote-ref-9)
10. See “The Israeli Chief Rabbinate: A Current Halakhic Perspective,” *Tradition* 26:4 (Summer: 1992), pp. 26-38, reprinted in *Israel as a Religious Reality,* edited by Chaim Waxman (Aronson, 1994), pp. 119-137; *Leaves of Faith*, Volume 2 (2004), pp. 261-277. [↑](#footnote-ref-10)
11. See above, note 8. [↑](#footnote-ref-11)
12. This quote is found on Wikipedia citing an article that is no longer accessible online. <https://he.wikipedia.org/wiki/%D7%9E%D7%A8%D7%90_%D7%93%D7%90%D7%AA%D7%A8%D7%90>. However, in other pieces, Rav Ariel denies this position, and argues that, at least for communal issues, the rabbi of the city is the legitimate and binding authority. See: <https://www.yeshiva.org.il/ask/107778>. [↑](#footnote-ref-12)