

From: Jeffrey Saks and Susan Handelman, *Wisdom From All My Teachers: Challenges and Initiatives in Contemporary Torah Education* (Jerusalem: ATID & Urim Publications, 2003), pp. 179-91. © 2003 by ATID.

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Religious Counseling and *Pesak Halakhah* in a Yeshivah Setting

Joel B. Wolowelsky

Many years ago, a student who had previously expressed no interest in studying in Israel after high school approached me with a request to arrange an interview the next day with a visiting *Rosh Yeshivah*. I spoke with him about the changes that were occurring in his thinking, agreed to arrange the interview, and the next day quietly slipped into the back of the room during the admissions test. The boy was exceptionally bright and did quite well. As the interview drew to a close, the *Rosh Yeshivah*, appropriately known for his keen insight, startled us both with an unexpected question: “Are you fully *shomer Shabbat*,” he queried.

The boy was too uneasy to respond, so I spoke up from the back of the room. “Not yet,” I said. “He wanted to be, but I told him to move slowly until he got to the *yeshivah*.”

The *Rosh Yeshivah* responded somewhat incredulously: “You advised him to not fully observe Shabbat? That is quite a responsibility you have undertaken!” I replied with a smile that it was quite a responsibility to tell someone to *start* to observe *Shabbat* in its full details. Later, I explained to him that the boy lived near no *shomer Shabbat* friends and near no Orthodox shul. To be sure, it was important to try to develop immediate strategies to avoid violating basic Torah prohibitions. But to fully observe Shabbat in that setting meant, in effect, locking himself in his room for twenty-five hours.

He would do it for one week, have a miserable experience, and that would be the end of *Shabbat* for him. But if he started fully observing *Shabbat* in the yeshivah, I said, it would be such a pleasant experience that he would own it forever. The *Rosh Yeshivah* didn't respond to my argument, but because he was establishing his relationship with our school, he accepted the boy.

The next January I visited the yeshivah in Israel and had lunch with the *Rosh Yeshivah*. I must admit that I was apprehensive as to how things would work out, but I was soon put completely at ease. He welcomed me warmly, saying, "I must apologize to you for what I thought of you last year. This was the first time I was in your school and you had the chutzpah to tell me--a *Rosh Yeshivah* whom you were meeting for the first time--that you told a boy who wanted to fully observe *Shabbat* to hold off. Frankly, I thought you were crazy. But after seeing the boy blossom here, I realized you were right."¹

Could one write a *pesak*, a formal halakhic decision, telling someone who wants to fully observe *Shabbat* to go slowly for a few months? Frankly, I am not so sure it would be an easy task. But the point I shall be making is that *pesak* and religious counsel are not the same thing, and the halakhic rules are different for each.

¹ I have deliberately left out the name of the *Rosh Yeshivah* so as not to necessarily tie him to what I learned from that experience. When I last checked, the alumnus--now a young professional with a growing family--was *shomer mitzvot* and a *ben Torah*. But it is important to realize that the correctness of an approach is not necessarily demonstrated by its outcome. Many times, a well-reasoned decision does not yield the desired outcome, and a mistaken decision might yield positive consequences. To be sure, unanticipated results should make one reexamine his or her assumptions, but there is no way of guaranteeing success. Just as a doctor must make a decision based on experience, knowledge, and a thorough evaluation of the circumstances, so too must a counselor choose an approach responsibly and hope for heavenly help.

“Din Melekh” and Meta-Norms

Let me digress for a moment to take note of a question raised by many high school students who are first learning the halakhic rules of convicting a criminal. In order to be convicted, the defendant must first have been warned by two witnesses not to commit the offense and must have acknowledged that warning and discarded it. How can a society maintain law and order with such a criminal justice system? Surely any criminal with a little savvy could always escape punishment!

Of course, this reality was not lost on the halakhic system, which has a parallel system of *din malkhut*--the king has the right to impose extra-halakhic sanctions in order to maintain law and order.² These extra-halakhic punishments may not meet the theoretical prerequisites of the *halakhah*, but they are necessary for maintaining the halakhic system as a whole, something which itself is a meta-norm of the halakhic community. In a time when we have neither a king nor a *Sanhedrin* responsible for maintaining social order,³ we most frequently encounter these meta-norms in the context of *pikuah nefesh*, saving a person who is in a life-threatening situation, but they are not limited to it. Or perhaps it would be better to say that the meta-norms of *pikuah nefesh* apply to saving the *nefesh* too, not only the body.

² Maimonides, *Mishneh Torah, Hilkhot Melakhim* 3:10. Note also *Hilkhot Sanhedrin* 18:5.

³ R. Yehudah Gershuni points out that when Israel had both a *Sanhedrin* and a king, the former had to judge only according to the theoretical *halakhah* (the “*mishpat tzedek*”), the just judgment with which the Torah charges judges (Deut. 16:18). But when there is no king, the judge assumes both powers, the authority of the judge and that of the king. See “*Dinei Malkhut ve-Dinei Torah ve-Hora’at Sha`ah*” in his *Hokhmat Gershon* (Jerusalem, 1997), p. 427.

I think we have a good intuitive feel for how this all works in many areas of life—areas in which we are quite comfortable. May one go about committing assault and battery on people? Certainly not. But a surgeon does not bring a *posek* into the operating room to ask how long an incision he is allowed to make; he has license to cut because he has license to heal. We have no trouble understanding that when he slashes to harm—even if he is wearing his surgical garb—he does so without halakhic sanction; but when he makes an incision to heal a dangerously sick person, it is he who must decide when and how to cut.

We know the difference between imposing martial law in time of war and imposing a police state to suppress dissent in a civilian society—and our secular courts likewise recognize such distinctions when a particular act is challenged. The Constitution with its Bill of Rights is important, but, in Justice Jackson’s words, it must not be converted into “a suicide pact.”⁴ The king may impose extra-halakhic sanctions because he does so to protect and maintain a halakhic society. Indeed, society itself is in danger if it denies him that right.

That, I would suggest, is the essence of the difference between *pesak* and religious counseling in a yeshivah setting. Counsel is not *pesak*, and it is subject to different rules of engagement. Unfortunately, this distinction is lost on many people. Our generation is witness to books of personal advice given by *posekim* as if they were legal rulings meant to be public policy.

⁴ *Terminiello v. Chicago*, 337 U.S. 1, 37 (1949).

Sacrificing Fingers to Save Arms

At our high school reunion held a few years ago, I met an alumna and her husband, who was a yeshivah *rebbe*. A colleague mentioned to me that he recalled that she had become a *ba`alat teshuvah* when she was a junior in high school.⁵ She had carefully negotiated her religious growth while avoiding any conflict with her parents. But when she was a senior, her parents insisted that she drive in the car with them on *Shabbat* when they went to a family event. They would not hear of any protests on her part, and they would fight any philosophy that intruded on their world view. He took a deep breath at the time, he told me, and told her to ride in the car with them.

The summer after, worried that he had mislead her, he consulted with his *rebbe*, the late R. Shlomo Zalman Auerbach. Yes, he was told, he had acted properly — sometimes a surgeon must cut off a finger to save the arm. Of course, what Reb Shlomo Zalman did *not* say was that *kibbud av va-em* requires violating *Shabbat* if so instructed, or that telling someone to ride in a car on *Shabbat* is not necessarily a violation of *lifnei iver* (the prohibition against causing others to sin), or that he himself would have necessarily given the same advice if asked. Indeed, what he said was that just as a surgeon has to make such decisions during surgery, so, too, must a responsible person giving advice be prepared to cut off a finger to save an arm.

We recognize this language as evoking that of the Rambam in describing the powers of the *Beit Din ha-Gadol*:

If they see that the situation requires the suspension of a positive commandment or the violation of a negative commandment in order to bring many back to proper observance, or to save many Jews from

⁵ Once again, I omit the colleague's name so as not to hold him responsible for my interpretation of the incident.

stumbling in other areas, they may enact whatever they feel the moment requires. Just as a doctor amputates an arm or leg so that the person as whole might live, so too the *Beit Din* may rule at a specific time to violate some commandments on a temporary basis in order that they might all be upheld. As the Sages said [*Shabbat* 151b]: Violate one Shabbat so that many can be observed.⁶

This is certainly the spirit of which we spoke, but we must realize that the Rambam speaks of the *Beit Din* acting for benefit of the Jewish community, not a particular *posek* ruling for an individual—and certainly not a counselor advising a student. A central communal halakhic authority has a prerogative unavailable to the local *posek*: he can *change* the *halakhah*, albeit temporarily. Neither the *posek* nor the religious counselor has this right in confronting a difficult situation.

A Halakhic Logic

In having presented this issue anecdotally rather than analytically, I do not mean to suggest that it does not have a halakhic basis.⁷ Indeed, R. Yehuda Amital provides such an analysis, by asking if we are permitted to instruct sinners to violate minor infractions of the *halakhah* in order to prevent them from committing greater sins, or in order to bring them to observance and belief in general.⁸ At times, he concludes, in order to assist

⁶ Maimonides, *Hilkhot Mamrim* 2:4.

⁷ There is, of course, an extensive literature on the limits of *lifnei iver* that I am not quoting here, even though it may lead us to identical practical conclusions. I am pursuing a parallel and, I believe, complementary approach.

⁸ R. Yehuda Amital, “Rebuking a Fellow Jew: Theory and Practice,” in Jacob J. Schacter, ed., *Jewish Tradition and the Nontraditional Jew* (Northvale, NJ: Aronson, 1992), pp. 119-138. R. Amital’s article appears in an expanded Hebrew version as “*Be-Inyan Mitzvat Tokhahah*,” in *Sefer ha-Yovel le-Mordechai Breuer*, ed. Moshe Bar-Asher (Jerusalem: Hebrew Univ., 1992), vol. 2, pp. 509-33.

individual Jews to return to observance and to spare individuals from stumbling, there is a need to rule permissively and even to abet the violator indirectly.

R. Amital notes that many people rely on formally offering a place to stay overnight when inviting a non-observant guest for a Friday night meal. He admits, however, that there are situations where such reasoning cannot be employed. For example, he cites the question of allowing a teenager who lives far from the central meeting place of the local Bnei Akiva to join the organization. Allowing membership encourages the youngster to spend *Shabbat* traveling to and from the meeting, often in violation of Torah as well as rabbinic prohibitions. Yet many have allowed this in the realistic hope that the teenager will be positively influenced by the membership opportunity. There is a halakhic logic behind this, says R. Amital, and it was articulated by R. Auerbach, who had suggested elsewhere that

...while we do not allow someone to commit even a minor violation in order to save others from a greater sin, nevertheless, it is permitted to "put a stumbling block before the blind" [e.g., offer food to someone who will not make a *berakhah* and thereby cause him to violate that particular detail of the law] in order to help him avoid stumbling over an even greater "obstacle" [i.e., insulting him may distance him entirely from Judaism]... It turns out that there is no sin here at all, for in this case there is no obstacle being set. On the contrary, it is the removal of a very great obstacle, by actively exchanging it with a less serious one.⁹

⁹ R. Shlomo Zalman Auerbach, *Minhat Shlomo* (Jerusalem, 1986), vol. 1, no. 35:1, p. 190. R. Meir Schlesinger relates that R. Auerbach referred him to this responsum in responding to the question of how parents should act if demanding *mitzvah* observance from their child results in the latter being resentful and therefore further distanced from Torah and its values. R. Schlesinger noted that training children in *mitzvah* observance is a rabbinic obligation, but developing in them a love of Torah and *mitzvot* is a Torah obligation. If circumstances regretfully bring about a conflict, it is the latter that takes precedence. *Hinukh* demands assessing the total picture and the over-all desired outcome. See his "Mitzvat Hinukh," in *Sha'alei Da'at* (Yeshivat Sha'alavim, 5749), p. 10.

Avoiding Inappropriate Analogies

Well, then, we might ask, is not the position of encouraging someone to attend a religious youth group analogous in principle to the Conservative movement's 1950 opinion permitting driving to synagogue on *Shabbat*? That decision had rested to a large degree on the assessment that attending public worship on Shabbat was "indispensable to the preservation of religious life in America" and that the negative consequence of riding to synagogue was outweighed by the damage that would follow from being cut off from the community synagogue worship.¹⁰

The inappropriateness of the analogy, I would suggest, is to be found not in technical arguments regarding violating Torah and rabbinic prohibitions--although, to be sure, that is a crucial consideration--but in the difference between *pesak* and counsel. It might be proper guidance to tell a specific teenager to attend Bnei Akiva meetings on *Shabbat* or even to ride to a temple with her parents on Yom Kippur. It might be good advice because it is temporary counsel that tells the person how to get past a difficult--perhaps intolerable--situation and move on to halakhic observance, even though the action, taken out of the particular context, is completely prohibited. The problem with the decision of the Conservative movement is not simply that it took what might be sound counsel for some individuals and glibly applied it to the entire community. Rather, the advice was phrased as *pesak*; as such it was indefensible.

¹⁰ Morris Adler, Jacob Agus, and Theodore Friedman, "A Responsum on the Sabbath," in Mordecai Waxman, ed., *Tradition and Change* (New York: Burning Bush Press, 1958), p. 370.

The Prohibited Remains Prohibited

This distinction can be inferred from a directive in a letter from R. Auerbach allowing a yeshivah to run an outreach program on Friday night: the parking lot of the synagogue in which services are to be held must be closed for the entire *Shabbat* or *Yom Tov*, he insisted. We take this for granted, but it should be obvious why R. Auerbach thought it important to stress. Opening the parking lot undermines any possibility of a widespread perception of driving being forbidden on *Shabbat*. On the other hand, parking on the street down the block--viewed by some as hypocritical--actually creates a healthy tension. It forces the individual to be aware that driving is not part of the authentic *Shabbat* experience but is rather at best something being momentarily tolerated in order to get past a situation hoped to be transient.

If the counselor finds it acceptable to temporarily encourage or allow a specific violation as part of an overall approach, care must be taken to minimize violations as well as to avoid presenting the forbidden as actually permitted. The Conservative decision did not maintain that riding to synagogue was a prohibited act that was being tolerated for the moment so that one's religious commitment might be strengthened to the point where it would no longer be necessary. Rather, it suggested that "when attendance at services is made unreasonably difficult without the use of an automobile, such use shall not be regarded as being a violation of the Sabbath."

This is not to say that the outreach workers must constantly stress that a particular activity is forbidden. On the contrary, R. Amital notes that

one of the leading halakhic authorities in Israel instructed those who work in *kiruv* not to discuss the laws of family purity with those married individuals taking their first steps towards renewed observance.

Furthermore, he suggested that even if the subject is broached by the penitent him/herself, the instructor should plead ignorance.¹¹

This, of course, is explained by the fact that the subject comes up in a closed private situation where the teacher is working with an individual and intends to eventually bring up this and other subjects at the appropriate time. That is to say, we are dealing with a counseling situation.

Procedures Worth Noting

What, then, are the rules for such religious counseling, one might ask. The point is that there are no hard and fast rules, because that is the nature of counseling. One cannot give a detailed list of *dinei malkhut*, because they must emerge from the specific social situation; one cannot anticipate all the implications of martial law because it is contingent and meant to be enforced only when society is breaking down. Counseling is meant to deal with people in distress; the details of what to do depend on the specific person and his or her circumstances. But while there are no rules, there are certainly some procedures worth noting.

One should be aware that most probably the student intuitively knows the difference between *pesak* and counsel. A counselor need not fear that telling a student to wait a while before adopting a completely *shomer Shabbat* way of life will be interpreted as endorsing *hillul Shabbat* as a legitimate alternative. One should answer the question being asked; there is a reason why *posekim* wait for a question to be posed before offering an opinion. In listening to a student's question, one must be aware of the difference between asking what the law requires of me and what I should do in this

¹¹ R. Amital, "Rebuking a Fellow Jew," p. 128-29.

situation. Indeed, it is often the preexisting knowledge of the answer to the former question that leads one to seek counsel on the latter.

By way of analogy, consider an obese teenager who finally asks a counselor how he or she can either lose weight or stop smoking. To the unsophisticated nonprofessional, the answer requires no significant expertise: simply either go on a diet and begin exercising or stop lighting up. But we need not list here all the possible reasons--psychological and situational--that might make immediate adoption of that program impractical in order to understand that this might be the wrong (or at least impractical) advice. Adolescents need reassurance that they can succeed before starting out on a difficult course. Premature attempts to begin a difficult regimen might guarantee failure. The dietician might be able to offer an authoritative "*pesak*" on the right number of calories to which the diet should be restricted; it is the counselor who must decide on how to reach that goal.

A youngster might truly want to become completely *shomer Shabbat* but fear that it will be too difficult a process. Indeed, it might well be at that time. To encourage the student to set out on a challenging campaign without making sure that all the resources for success are in place is irresponsible and an invitation for failure. The *posek* has to set out the ideal that there is no excuse for violating *Shabbat*; the counselor has to help the student reach that ideal.

On the other hand, not all religious counseling demands permissive advice. Sometimes the opposite is true, and the proper counsel is to suggest more restrictive action than the *halakhah* requires. (There seems to be less reluctance to adopt such an attitude nowadays, but that, I fear, is more a matter of sociology than principle.)

Confidence Tempered with Hesitation

The question of which approach to take is a complicated one. Recently, a friend reminisced about his experiences decades ago as an advisor and faculty member for NCSY. On one occasion he was housed for *Shabbat* with a family who were not members of the host synagogue. The father volunteered to tell him why they belonged, instead, to the Reform temple in town. It seems that when the time came for their son to celebrate his bar mitzvah, the Orthodox rabbi told them that he could be "bar-mitzvahed" only if the entire family stayed over in proximity to the shul and did not come by car. Although they drove to shul on other *shabbatot*, as did most congregants, the rabbi's policy was not to celebrate the acceptance of *mitzvot* in that manner. In disgust, the family promptly transferred to the local Reform temple, where they were warmly welcomed, and had been there ever since. My friend had learned a lesson from this at the time, he said, and concluded that *yikov ha-din et ha-har*--sticking to principle and the letter of the law, come what may--was inappropriate and could easily boomerang.

The very next week, he continued, he was in a different town for a *shabbaton*. He went into the shul kitchen on Friday afternoon to check up on the *kashrut* and had a conversation with the elderly lady who worked there. She told him, "You know, I have no respect for the rabbi here. I myself don't keep *Shabbat*, but still, is it not hypocritical to have a rabbi who speaks about *Shabbat* and yet regularly celebrates bar mitzvahs for boys who drove to shul that very *Shabbat* morning? What kind of Torah can he represent?"

In all honesty, he confessed, he saw her point, and concluded that principle is a very important thing, not least because of its practical effects. (His next conclusion, he continued, was that being a community rabbi was a very difficult thing, and might not be for him!) Indeed, having to decide which approach to take in any given situation can be a make-or-break decision. If the student is looking for encouragement to find the strength to move forward, counseling patience can result in missed opportunities (or worse). On the other hand, pushing the student too hard might spell disaster. *Posekim* must bring self-assurance and confidence to their ruling; religious counselors must temper their confidence with doubt and hesitation.

It is true that in *pesak*, one often has to speak to the situation and not simply the law. As R. Aharon Lichtenstein has noted,

A sensitive *posek* recognizes both the gravity of the personal circumstances and the seriousness of the halakhic factors... He might stretch the halakhic limits of leniency where serious domestic tragedy looms, or hold firm to the strict interpretation of the law when, as he reads the situation, the pressure for leniency stems from frivolous attitudes and reflects a debased moral compass.¹²

But religious counseling is not *pesak*. The issue is not to find a *heter*, but an *approach*. It is an extra-halakhic action, a prelude to halakhic living.

Counselor Qualifications

Of course, in many ways the religious counselor is just like any other competent counselor; it is therefore necessary to note the following caveat. The very same compassionate, utilitarian advice can have a very negative effect if offered by counselors

¹² R. Aharon Lichtenstein, "On Abortion," *Tradition*, 25:4 (Summer 1991): 11.

who are not themselves *shomerei mitzvot*. This is not simply because one's intuition has to be backed up with an informed understanding of both the competing values within the *halakhah* itself and the differences between, say, rabbinic and Torah violations. It is, rather, that the meta-issue with which we are concerned is not simply helping students to "grow into themselves"--although that is certainly part of the job of a general counselor in the healthiest of situations--but rather helping students to grow into *benei Torah*. The suggestion to temporarily hold off on going forward--or to go forward slowly, moving step-by-step to increased halakhic observance--might generally be a laudable position that helps people accommodate less-than-ideal situations and adapt to them. But here, the message that has to be conveyed is that this is the best way to grow in *mitzvot*. Only a knowledgeable *shomer mitzvot* can convey that idea with integrity. If a non-observant counselor comes to the conclusion that a student is pressing too much too soon, an observant counselor should be brought into the discussion.

It is important to ensure that expressing acceptance of a person with all of his or her deficiencies--an important and legitimate goal of the religious counselor--will not be interpreted as endorsing those shortcomings. Whatever the area of religious conflict, this is best done by focusing on the possibility of observing all the *mitzvot* that are in one's power to fulfill. Indeed, one of the hardest messages to get through to teenagers is that the Torah does not require us to be perfect, but to yearn and strive for perfection. This is especially true when one is dealing with a student struggling with sexual impulses, be it homosexuality, masturbation, or heterosexual promiscuity.¹³ Often, students must be reassured that they can discuss a subject calmly before they can address it practically.

¹³ See Bernard L. Weinstein and Joel B. Wolowelsky, "Initial Religious Counseling for a

Learning Religious Counseling

Religious counseling is an art learned through apprenticeship. Psychologists routinely consult supervisors to discuss hard cases; lawyers discuss briefs with senior partners; doctors exchange views with colleagues. Yet I have found many teachers--usually young, but not exclusively--who routinely (almost cavalierly) offer serious advice without ever sharing the fact with colleagues, senior or otherwise. They often do so without any understanding of the student's home situation, and with little appreciation of the possible negative consequences of their advice. What is the source of their unfounded confidence?

One of the roots of this problem is to be found, I believe, in our synagogue youth groups (like NCSY or Bnai Akiva), summer camps and learning programs, and school seminars. High school upperclassmen and college students act as advisors and counselors, and in general they do a superb job. They are, for the most part, great role models, and their enthusiasm for growth in Torah is contagious. But most of these programs offer little if any training, and there is usually no opportunity for the counselors to provide feedback to and interact with experienced faculty. They are not getting a constant message admonishing them against offering unsupervised guidance on family

Male Orthodox Adolescent Homosexual," *Tradition* 29:2 (Winter 1995): 49-55, and our subsequent letter-to-the-editor in *Tradition* 29:4 (Summer 1995): 93-94.

and religious issues. Indeed, they often are confused by a view that, since the *halakhah* is clear, there is no need to consult someone else to know what to do in a specific situation.

Another root of the problem is to be found in the training--or lack thereof--new teachers receive before they enter the classroom. Many new teachers begin their careers with no formal teacher education and even less day-to-day supervision. In some schools no one asks teachers what is going on in their classrooms (unless there is an obvious problem). It is no surprise then that no one discusses with them the type of discussions they are having with their students. Given the authority to run their classes as they see fit, it is a small reach to the conclusion that if they are ready to be independent teachers, they are ready to be independent counselors. Often their advice calls for ill-advised stringencies. But it is important to remember that such mistakes can be as dangerous and destructive as inappropriate leniencies.

This is not the place to outline formal training programs in general or religious counseling. But we surely can say that one needs an atmosphere in which all counselors relate their significant conversations to more experienced colleagues and mentors. (One might also consider maintaining a journal of significant conversations and the subsequent feedback from more experienced mentors.) To be sure, there is an obligation to protect the student's privacy and confidentiality; but the case can usually be discussed anonymously with any number of colleagues without violating confidentiality.

There is another reason to insist on routine consultation. There is a "high" involved, especially among young charismatic teachers starting out in their profession, in having young students hang on one's every word. It can generate a hubris that is best tempered by shared discussion with colleagues. One must be sure that it is the needs of

the student that are being addressed, not those of the counselor. Acting routinely without consultation is a telltale sign of hubris.

Halakhic Review

Even though religious counseling functions on a parallel track to *pesak*, in the end it is subject to halakhic review. Civil courts may be loath to review or second-guess military decisions or martial law determinations made in times of conflict, but they reserve the right to do so. The king himself is rebuked by the prophet. The *posek*, who concerns himself with the ideal universe of *halakhah*, remains the moral compass for the religious counselor. One does not ask a *posek* for confirmation of advice--because that would be *pesak*—but, rather, gives him the opportunity to express concern and reservation.

But, of course, this means that the *posek* being consulted must be a competent religious counselor. Not all *posekim* fit that category and, indeed, many would be the first to admit this. In fact, in many Hasidic communities, there is a clear division between the *rebbe* and the *dayyan*. To be sure, the *rebbe* must be learned and the *dayyan* compassionate. But they usually receive different types of questions, and each knows which types of questions he is qualified to answer. Much of the tension that exists between *Roshei Yeshivah* and congregational rabbis stems from a confusion of their respective roles, often from a denigration by the former of the proper and necessary role of the latter.

R. Amital noted:

At times, in order to assist individual Jews to return to observance, and to spare individuals from stumbling, there is a need to ignore certain violations of rabbinic or even Torah laws; at times, there is a need to rule permissively, and even to abet the violator indirectly... Every deliberate

overlooking of a sin, and every dispensation given in a specific case, may result in a cumulative negative effect with regard to the public at large... [This process] is a dangerous route “on which the righteous travel safely but the frivolous stumble.”¹⁴

We therefore conclude, as did R. Amital, with a note of caution by R. Ovadiah Yosef:

The principle of permitting a minor violation for the sake of [avoiding] a more serious one must be exercised most sparingly. Just like in the case of healing the body, a doctor sometimes decides to amputate the hand to prevent the spread of the disease to the rest of the body, and sometimes decides to leave things as they are, all decided upon with the counsel of other doctors, so too should this procedure be followed with the healing of the soul. One must consult many erudite and esteemed Torah scholars, so that the decision should not cause any damage, God forbid.¹⁵

¹⁴ R. Amital, “Rebuking a Fellow Jew”, p. 128. (“Righteous travel safely...” is a play on Hosea 14:10.)

¹⁵ R. Ovadiah Yosef, *Yabi`a Omer*, vol. 6, *Yoreh De`ah*, no. 3.