

## “These and *These* are the Words of the Living G-d”

An Explanation by  
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The Gemara (*Eruvin* 13a) teaches us that even the disparate teachings of our Sages are “the words of the Living G-d.” But how can this be? How can we have two (or three, or four, or even five) differing opinions on one topic – *opinions that are truly contradictory of one another* (as opposed to be merely “seemingly contradictory”) – and yet still view them as having the imprimatur of Heaven? Does HaShem (*chas v’shalom*) not know His Own Mind? Did HaShem intentionally build *machloksum* into His Torah? (He certainly gave us freedom of choice.) Or, as we shall see, did HaShem provide us with a system that allows us to, and task us with, keeping His Torah as One? HaShem knows what we are capable of – both the good and the evil – after all, He designed us. He understands that the human mind can justify almost anything, no matter how outlandish. The Gemara (*Makkos* 10b) warns us, “As a person wishes to go, so he is led.” Thus we have the G-d given ability to reason, and the free-will to reason *unreasonably!* (Have you heard of Charles Darwin? He *reasoned* that his great great grandfather was a monkey!) Now, we are not suggesting that our Sages “reasoned unreasonably.” But we are suggesting that once an opinion has taken form in the mind, it is difficult to uproot it. We began, at Sinai, with one Torah; but (*Sefer HaChinnuk, Devarim* 17) “Different individuals will have differing opinions on subjects,” and if HaShem had not built a system into His Torah to keep it One, after giving it over to flesh and blood there is no doubt that the Torah would have fragmented into many Torahs.

Our Sages tackled questions of Torah interpretation and practice with true fear of heaven, and they tried their hardest to reach the correct conclusions. But, as already stated, different minds will see things in different lights, and the conclusions they reach may very well have differences. The question is, “Did they follow the rules of Torah, to the best of their ability, and did they strive to keep HaShem’s Torah One?” If they did – and we can be certain that they did else they would not have reached the levels that they did – then the conclusions reached (even if they turn out to be minority opinion), are considered to be “the Words of the Living G-d.”

Now we shall look at the Torah sources that allow us to teach the above explanation. The applicable Torah references, including brief commentary, are:

**Shemos 23:2.** “You shall not follow a multitude to do evil; nor shall you speak in a cause to incline a multitude to pervert justice.”

**Rashi, Shemos 23:2 – You shall not follow the majority for evil ...** There are [*halachic*] interpretations for this verse given by the Sages of Israel, but the language of the verse does not fit its context according to them... According to the words of our Sages, this is the interpretation of the verse... **And you shall not speak up against a master** to deviate from his words... **And since it says: “You shall not follow the majority for evil,” I deduce that you shall follow them [the majority] for good.** ... Onkelos renders [this verse]: *Do not refrain from teaching what appears to you concerning a judgment.* The Hebrew wording according to the Targum is interpreted as follows: *And you shall not respond concerning a quarrel by turning away. If someone asks you something concerning the law, do not answer by turning aside and distancing yourself from the quarrel, but judge it honestly.* I, however, say, [differing from the Rabbis and Onkelos] that *it [the verse] should be according to its context.* This is its interpretation: **You shall not follow the majority for evil ... If you see wicked people perverting justice, do not say, “Since they are many, I will follow them.”**

The understanding, then, of our Sages (based upon Shemos 23:2) is that when there is a question and there is not unanimity amongst those deciding the case, we follow the majority. This concept is revisited and expanded in *Sefer Devarim* as follows:

**Devarim 17:8-13.** “If there arises a matter too hard for you in judgment, between blood and blood, between plea and plea, and between plague and plague, being matters of controversy inside your gates; then shall you arise, and get to the place which the Lord your God shall choose; And you shall come to the priests the Levites, and to the judge who shall be in those days, and inquire; and they shall declare to you the sentence of judgment; And you shall do according to the sentence, which they of that place which the Lord shall choose shall declare to you; and you shall take care to do according to all that they inform you; According to the sentence of the Torah which they shall teach you, and according to the judgment which they shall tell you, you shall do; you shall not decline from the sentence which they shall declare to you, to the right hand, nor to the left. And the man who will act presumptuously, and will not listen to the priest who stands to minister there before the Lord your God, or to the judge, that man shall die; and you shall put away the evil from Israel. And all the people shall hear, and fear, and do no more presumptuously.”

**Rashi, Devarim 17:9** – [And you shall come to] the Levitic Kohanim<sup>1</sup> i.e., the *kohanim*, who are descended from the tribe of Levi. **and to the judge who will be in those days** Although this judge may not be [of the same stature] as other judges who preceded him, you must listen to him, for you have only the judge [who lives] in your time. [*Rosh Hashanah* 25b]

**Shabbos 112b** – R. Zera said in Raba b. Zimuna's name: *If the earlier [scholars] were sons of angels, we are sons of men; and if the earlier [scholars] were sons of men, we are like asses....*

**Rashi, Devarim 17:11** – **either right or left,** Even if this judge tells you that right is left, and that left is right. How much more so, if he tells you that right is right, and left is left!-[*Sifrei*]

Thus we learn that despite the diminishment of each subsequent generation, we are still to turn to our Sages and follow “their Torah,” even if it seems to us as if they may have gotten a detail or two wrong. This understanding, coupled with Shemos 23:2, redirects us to follow the decision of the majority. We learn from *Sefer HaChinnuk*, quoting the Ramban, that *Devarim* 17:8-13 is actually referring to the Great Sanhedrin, and that that body of Sages was tasked with keeping the One Torah as “One.” The *Chinnuk*, as stated above, explains that different people will undoubtedly understand certain concept differently, and that without this body of Sages, the One Torah might become two or more Torahs. Thus it is in the hands of the Sages to prevent HaShem’s Torah from fragmenting. But how are the Sages to accomplish this? Are they promised heavenly assistance, or are they left to their own mental faculties? If we read further in *Sefer Devarim* we find the answer to our question:

**Devarim 30:11-15.** ” For this commandment which I command you this day, is not hidden from you, nor is it far off. **It is not in heaven<sup>2</sup>, that you should say, Who shall go up for us to heaven, and bring it to us, that we may hear it, and do it?** Nor is it beyond the sea, that you should say, Who shall go over the sea for us, and bring it to us, that we may hear it, and do it? But the word is very near to you, in your mouth, and in your heart, that you may do it. **See, I have set before you this day life and good, and death and evil....’**

<sup>1</sup> **Ben Avraham Note:** Re: the Or HaChayim, the Firstborn, and the “avodah” ... cf. **Yechezkel 44:15**, “*But the priests the Levites, the sons of Zadok, who kept the charge of my sanctuary when the people of Israel went astray from me, they shall come near to me to minister to me, and they shall stand before me to offer to me the fat and the blood, says the Lord God.*” with R’ Moshe Eiseman’s ArtScroll commentary.

<sup>2</sup> Re: the **Rambam’s 9<sup>th</sup> Principle, the Immutability of HaShem’s Torah.** Cf. **Devarim 5:19**, “These words the Lord spoke to all your assembly in the mount out of the midst of the fire, of the cloud, and of the thick darkness, with a great voice which was not heard again. And he wrote them in two tablets of stone, and delivered them to me.”

**Rashi, Devarim 30:12** – **It is not in heaven** for if it were in heaven, you would have to climb up after it [in order] to learn it. - [Eruvin 55a]

**Devarim Rabbah 8:6** – FOR THIS COMMANDMENT IT IS NOT IN HEAVEN (*Devarim* 30:11f.). Moses said to Israel: ‘Do not say: “Another Moses will arise and bring us another Torah from heaven”; I therefore warn you, IT IS NOT IN HEAVEN. ***That is to say, no part of it has remained in heaven.***’

**Bava Metzia 59b** – It has been taught: On that day R. Eliezer brought forward every imaginable argument, but they did not accept them ... Again he said to them: ‘If the halachah agrees with me, let it be proved from Heaven!’ Whereupon a Heavenly Voice cried out: ‘Why do ye dispute with R. Eliezer, seeing that in all matters the halachah agrees with him!’ But R. Joshua arose and exclaimed: ‘***It is not in heaven.***’ [*Devarim* 30:12] What did he mean by this? — Said R. Jeremiah: ***That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, After the majority must one incline.*** [*Shemos* 23:2] R. Nathan met Eliyahu[HaNavi] and asked him: What did the Holy One, Blessed be He, do in that hour? — He laughed [with joy], he replied, saying, ‘***My sons have defeated Me, My sons have defeated Me.***’

Thus we learn that all of HaShem’s Torah that was to be revealed to us in *Olam Hazeih* has already been given over at Mount Sinai. Not even a requested miracle from Heaven, or even a Voice generated by Heaven, can alter the fact that HaShem has entrusted His Torah to flesh and blood, and that even He is not allowed to alter, or interpret it for us. However, because Torah is a system designed to be operated by imperfect beings of flesh and blood, HaShem incorporated a safe-guard by which to keep us from getting to far off the path that He laid down for us. And that failsafe was that we should follow the Torah (Teachings) of our Sages, with the caveat that *mesorah* (traditional precedent) was to be adhered to, and that when questions arose, we would follow the decision of the majority of our contemporary Sages.

It must be understood that to achieve the level of being one of the Sages chosen to sit on the Sanhedrin one had to be filled with the fear of HaShem, and to be cognizant of the great responsibility of deciding a question, and thereby potentially steering *Klal Yisroel* off of the course intended for her by HaShem. And, it goes without saying, these Sages were the most learned of their generations. Thus the Sages took their duty to adhere to HaShem’s Torah very seriously. And even though diminishment of the generations led to lower numbers and caliber of Sages, the foreseen differences of opinions did occur, and the One Torah became akin to two Torahs, the system that HaShem had envisioned stood ready to deal with those issues, and to minimize the consequences thereof.

The Gemara is clear about what happened, why it happened, and when the implementation of “majority of Sages rule” happened. The following pieces of Torah finalize our understanding of the issue:

**Sotah 47b** – When the haughty of heart multiplied, dissensions increased in Israel. **When the disciples of Shammai and Hillel multiplied who had not served [their teachers] sufficiently, dissensions increased in Israel and the Torah became like two Torahs.**

**Sanhedrin 88b** – It has been taught; R. Jose said; **Originally there were not many disputes in Israel ...** If a matter of inquiry arose, the local Beth din was consulted. If they had a tradition [thereon] they stated it; if not, they went to the nearest Beth din ... If they had a tradition thereon, they stated it, and if not, they all proceeded to the Hall of Hewn Stones, where they [i.e., the Great Sanhedrin] sat from the morning tamid until the evening tamid; on Sabbaths and festivals they sat within the *hel*. [*A place within the fortification of the Temple (Jast.) They changed their locale, lest they should appear to be giving judgments, which is forbidden on these days*]. The question was then put before them: if they had a tradition thereon, they stated it; if not, they took a vote: if the majority voted ‘unclean’ they declared it so; if ‘clean’ they ruled even so. But **when the disciples of Shammai and Hillel, who [sc. the disciples] had insufficiently studied, increased [in number], disputes multiplied in Israel, and the Torah became as two Torahs. [There being many conflicting rulings].**

**Eruvin 13a** – R. Abba stated in the name of Samuel: For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, ‘The halachah is in agreement with our views’ and the latter contending, ‘The halachah is in agreement with our views’. Then a *bas kol* [a Message from Heaven] issued announcing, ‘***These and these are [both] the words of the living G-d***, but the halachah is in agreement with the rulings of Beth Hillel’.

So even though differing opinions had led to differing approaches to Torah, and even though those differences – with each side stubbornly adhering to their positions – could have led to multiple Torahs, HaShem had foreseen these difficulties, and He had built into His System, because of His understanding of human differences and frailties, a method by which a “multitude of opinions” could result in One Unified Torah. And this is how even a mistaken opinion can still have the weight of Torah behind it, and still be considered ‘the words of the Living God.’”