

The Dynamics of Dispute

*The Makings of Machlokess
in Talmudic Times*

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Perspective

The Tablets were six tefachim wide. When G-d gave them to Moses, His grip remained on two tefachim, Moses held two tefachim, and two tefachim remained between them.

Sh'mos Rabbah 47:6

The original plan for this book called for altogether avoiding the theological matters contained in this Perspective. The book was to begin where this discussion ends. For the question addressed by this work is not, "Why did Hashem allow talmudic disputes to develop?" nor, "How can the Sages' opposing opinions all be manifestations of 'The Words of the Living G-d'?" This book was written to answer different, more mundane questions: *How, historically speaking, did the Sages find themselves without unanimously accepted clear and definite answers to some halachic issues; what processes did they use to discover these answers; and why did these processes lead to different conclusions?*

The first break with this plan occurred when it was realized that the reader would be familiar with the expression "These and Those are the Words of the Living G-d," and might use it to contest some of the work's assertions. This necessitated a chapter that reviews, one-by-one, the explanations given to this adage by the major commentaries. This additional chapter was to be appended to the end of the book and the work was to remain at that. However, I then was privileged to a personal meeting with Rav Simon Schwab,¹ *shlita*, who, after reading my manuscript, insisted that the very issue I

¹ Rav Simon Schwab is rav of K'Hal Adath Jeshurun in the Washington Heights section of New York City.

wished to avoid is a crucial one, and that my book's topic necessarily evokes questions that must be addressed in a preliminary chapter. Thus the following presentation of the Rav's teaching.²

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We shall explain that the question "How can the Sages' variant opinions all parallel absolute truth" is groundless, because it is based upon a false assumption that there is an abstract, Absolute Truth, independent of G-d's will, to which even He is beholden. This is false, because the only "Absolute Truth" is G-d Himself, and outside of Him truth is nonexistent. Since there is no abstract Truth to which G-d is bound, when He decrees that any conclusion drawn by a Torah-mind (when following His clearly defined limits)³ is truth—it is truth.

At Creation, G-d's Will determined what is truth and nontruth, morality and immorality, good and evil. Moreover, His Will determined the very fact that good and evil, morality and immorality, our perception of truth and our perception of falsehood, would be pairs of intrinsically opposite concepts; and His Will could have determined otherwise. In our minds, because of the limits G-d set for the universe and for man, it is inescapable that a given fact at a given time or circumstance must be either true or untrue, for only one thing can exist in the same place and time; but G-d's "mind" and nature is independent of boundaries of time, space, and causality. He encompasses all and yet is apart from all. He is at once totally merciful, yet totally just. He grants us free-will, yet has foreknowledge of our actions. These concepts are paradoxical to our minds only because of the limited nature of the universe within which we were created and the boundaries of "reality" imposed upon our thinking processes. "Better for one not to have come into this world, than for

² After the meeting with Rav Schwab, at which the author was presented with notes, the author composed this chapter. It was carefully read by Rav Schwab, and considerable time was devoted to correcting and fine-tuning the author's understanding, and the present form is the result. The author expresses his profound gratitude to Rav Schwab for his attention, time, and fascinating insights, and for granting permission to use his prestigious name.

³ These limits, such as the rules of Scriptural interpretation and the concept of *Sof Hora'a*, the closing of the Talmud, and others, will be discussed in the course of this work.

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him to direct his mind towards that which is Above and Below, of Before Creation and at the End" (*Haggiga* 2:1).⁴

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Even after the creation of our world, while it was still solidifying, its contents and concepts were in an amorphous state devoid of logic and sense, a state of *tohu va'vohu*, one that could evoke in the human mind only perplexity and astonishment (cf. *Rashi, B'rayshis* 1:2). An incredulous, baffling, incomprehensible darkness of definitionless, lawless nature hovered over the mysterious depths—until G-d willed that Light and Darkness exist, and exist as opposites. And even then, a crucial issue of reality hung in abeyance: Which was to be considered "Good"—righteous actions of kindness and truth, or dark acts of murder and falseness? *B'rayshis Rabbah* 2:5 refers to G-d's decision:

רבי אבהו אמר מתחילת ברייתו של עולם צפה הקב"ה במעשיהם של צדיקים ומעשיהם של רשעים . . . והארץ היתה חשוך ובהו—אלו מעשיהם של רשעים. ויאמר אלקים יהי אור—אלו מעשיהם של צדיקים. אבל איני יודע באיזה מהם חפץ—אם במעשה אלו ואם במעשה אלו. כיון דכתיב וירא אלקים את האור כי טוב—הוי במעשיהן של צדיקים חפץ, ואינו חפץ במעשיהן של רשעים.

Said Rabbi Avahu: At the beginning of the world's creation, The Holy-One Blessed-be-He gazed at the deeds of the righteous and at the deeds of the wicked. . . . "The world was *tohu va'vohu*" (*B'rayshis* 1:2) refers to the deeds of the wicked. "And G-d said, Let there be Light" (*B'rayshis* 1:3) refers to the deeds of the righteous. But I [still] would not know which of them He desires—the deeds of these or the deeds of those. However, once Scripture writes, "And G-d saw the Light that it was Good" (*B'rayshis* 1:4), [we see that] it is the deeds of the righteous that He desires, and that He does not desire the deeds of the wicked.

And so Nature and Morality and Sense were created, and their bylaws, contained in the Torah and its *halachos*, were defined for Man. Good and Evil, Pure and Impure,⁵ Kosher and Non-Kosher,

⁴ We find mind-boggling even the concepts of black holes leading to parallel, inverse universes, which physicists are beginning to explore, although these concepts are conceivably within G-d's present creation, not realms necessarily beyond our conception.

⁵ Said Rabban Yohanan ben Zakkai, "By your lives! Dead bodies do not [intrinsically] confer *tum'ah*, impurity; and water containing ashes of the Red Cow does not [intrinsically] endow *taharah*, purity. The Holy One, Blessed-be-He, simply deemed it to be so: 'A decree have I declared!'" (*B'rayshis Rabbah* 19:8).

became absolute components of our universe. Murder became for us an absolute evil. Pigs became forbidden food for Jews. Thirty-nine activities became forbidden on Shabbos. Kindness became a virtue. Virtue became a virtue.⁶ The Torah's laws, given to us in our world, therefore possess a this-world rationality, even if intellectual limitations prevent some of us from grasping the rationality behind all of them in all situations.

The conclusions of any Sage⁷—even the conclusions that contradict those of other Sages—are intimately connected to G-d's Will and parallel the Absolute Truth, because the author of Absolute Truth is the limitless Creator, and He decreed the Sages' opinions to be Truth. His Absolute Truth is not limited by the kind of "truth" for which our universe is programmed.

* * *

When Moses was given the tablets, *Sh'mos Rabbah* teaches us, G-d's grip remained on the outer two *tefachim* of one side, the two *tefachim* of the *unrevealed* Torah, the unfathomable, undefinable universe preceding even *tohu va'vohu*. Directly grasped by the hand of Moses were the two *tefachim* of the other side, the *revealed* Torah, whose knowledge Moses was permitted to grant to us. The middle two *tefachim*, located at a distance from Moses' grip, consisted of the *inner* Torah, the mysteries meant to be revealed only to Moses and those of special worth.⁸ **Our practice is anchored in the halachos Moses told us, and we comprehend them through the universe of logic and sense G-d granted our world. The halacha Moses told us is the halacha which we aspire to follow.** If somehow we find ourselves without knowledge of the *halacha* for a given situation, we were given the tools to decipher it. The Sages of Moses' Great Sanhedrin,

⁶ Because our ideas of morality and justice are realities only in our world, our forefathers held G-d answerable to their concepts of right and justice only when they sensed that G-d "descended" into the spheres of our universe (see for example *B'rayshis* 11:21, concerning Avraham and Sodom, and *Sh'mos* 2:18, regarding Moses at the burning bush). Only because G-d "descended" onto Mt. Sinai when He revealed His Torah to us (*Sh'mos* 19:18) are we justified in applying to it our system of logic, which includes, for example, the inadmissibility of contradictions and the basing of conclusions through obviating them.

⁷ Reached, of course, in accordance with the Torah's directives.

⁸ Rav Simon Schwab in the name of the Telzer Rav (Cf. *Y'fay To'ar* on *Sh'mos Rabbah* 47:6).

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and all following Great Sanhedrins, were given the power to decide *halacha* for all Jewry based upon the science of Torah interpretation and *halachic* precedent. And if, due to the nature of man, different opinions emerged, we were given the principle of following the majority of Sages.

Considering the above, it is needless to say that we never really *מחדש*, innovate, explanations of Torah laws. We discover them. *Our* minds are innovated by *them*. Explanations of Scriptural laws do not develop, but are merely uncovered or rediscovered by following the guidelines of analysis revealed by Moses. Certainly, explanations of Scriptural laws are not determined by political or whimsical considerations, but by earnest desire to analyze Scripture's original, unchanging meaning.

* * *

We are now prepared to treat the questions this work was written to address, the questions mentioned in the first paragraph of this chapter and which we shall close with now: *In general, how, historically speaking, did the Sages find themselves without unanimously accepted clear and definite answers to some halachic issues; what processes did they use to discover these answers; and why did these processes lead to different conclusions?*