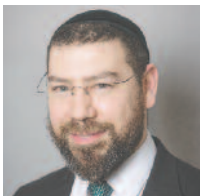


# Jewish Contemporary Ethics Part 17: The Written and Oral Torah 9

by Rabbi Dr Moshe Freedman, New West End Synagogue



The previous article introduced the idea of *machloket* (rabbinic disagreement) in areas of Jewish law and presented three distinct views regarding its origin.

Yet we must also address

the following question: is *machloket* an aberration in the transmission process, exposing errors in the representation or dissemination of Torah? Or is it an integral part of the transmission process, which endorses original human creativity and innovation as a vital component of the Oral Torah?

Rabbi Zvi Lampel (a contemporary scholar) notes that the Torah's directive to "follow the majority" view (Shemot 23:2), implies that God had prepared mankind for the prospect of *machloket*. Yet the 8th century CE Babylonian scholar Rabbi Shimon Kiara states that a fast was instituted on the day that Beit Hillel and Beit Shammai first disagreed, something that was "as difficult for our people as the worshipping of the Golden Calf" (see *The Dynamics of Dispute* p. 183-184). While *machloket* may have been an inevitable result of involving mankind in the process of interpreting and disseminating Torah, it is not necessarily a good thing.

However, the Mishnah states that: "Any dispute for the sake of Heaven will have enduring value, but any dispute not for the sake of Heaven will not have enduring value" (Pirkei Avot 5:20, green siddur p. 561). This implies that, provided the argument is for the sake of Heaven, it brings lasting benefit. Furthermore, the Talmud states that the reason the halacha usually follows Beit Hillel's ruling is because they taught both their views and the dissenting views of their counterparts, Beit Shammai (Talmud Eruvin 13b). This seems to shine a more positive light on *machloket*.

The existence of a dispute does not compel us to proclaim that one side is right and the other is wrong. Each side may be diametrically opposed to the other, yet there could be legitimacy to both, provided that each position is reached for 'the sake of Heaven'. This does not only mean that the position must be void of vested interest or bias, but also requires that it is based on the correct methods of deriving Jewish Law from both the Written and Oral Torah.

An example of this is the Talmudic dispute over the correct way to sound the shofar between each *tekiah* blast on Rosh Hashanah. Some communities blew a *shevarim-teruah* note, some blew a *shevarim* note, and others a *teruah* note. Since the dispute was not resolved, the Talmudic sage Rebbe Abahu instituted the practice of including all three possibilities in our order of service (see Talmud Rosh Hashana 34a). Rav Hai Gaon (d. 1038) notes that the purpose of Rebbe Abahu's convention was not to merely 'cover all the bases'. On the contrary, all three ways of blowing were legitimate and based on sound Torah reasoning; the practice of including all three was for the sake of Jewish unity and to standardise our practises.

This, however, tempts us to ask a deeper question: which method of blowing the shofar did God really intend? The next article will examine the relationship between post-Sinai prophecy and Jewish law and discuss whether God intervenes to resolve disputes when they arise.

