

I. Introduction

In researching the significance of *eilu v'eilu divrei elokim chayim*, I have learned to appreciate those who present a spectrum of viewpoints and to be wary of those who speak in terms of the definite. The dispute between Beit Hillel and Beit Shammai indicate the dynamic and dialectic nature of the Torah and demonstrate that Torah is beyond monolithic. Torah is actually a realm of conflicting principles interacting with each other. *It is a world that reflects a unique dialectic where conflict is final, almost absolute. Only God knows how to reconcile it: we do not.* Rabbi Joseph B Soloveitchik. (Majesty and Humility, Tradition 17:2) This is what *eilu v'eilu divrei elokim chayim* articulates.

For three years there was a dispute between Beit Hillel and Beit Shammai, the former asserting, “The law is in agreement with our views,” and the latter contending, “The law is in agreement with our views.” Then, a *bat kol*, a voice from heaven, announced ‘*eilu v'eilu divrei elokim chayim*’, “These and those are the words of the Living God,” adding, “but the law is in agreement with the rulings of Beit Hillel.”

Since both views are the words of the Living God, what entitled the members of Beit Hillel to have the law fixed according to their rulings? Because they were kindly and modest, they studied their own rulings and those of Beit Shammai, and were even so humble to mention the words of Beit Shammai before their own (Talmud Bavli, Eruvin 13b).

'These and those' seems to suggest that two conflicting opinions can both be valid, perhaps, cannot even exist without the other. The phrase *eilu v'eilu* emphasizes the incompleteness of any single opinion. The *v'*, which means “and,” is essential, uniting and complementing the two opinions without choosing one or compromising the integrity of either. It is essential to note that the views that Beit Shammai and Beit Hillel disputed were not about which

wallpaper to decorate the Beit Medrash but about such crucial matters as marriageable status (Talmud Bavli, Yevamot 14b). Consequently, one could assume they would not consider marrying one another. On the contrary, Beit Shammai and Beit Hillel never allowed their disagreement to bear upon their relationships. '*chibah v'reiut nohagim zeh ba'zeh*' They were diligent to treat each other with the utmost kinship and respect. It is this very reason that 12,000 pairs of Rabbi Akiva's students dyed out during one period (Talmud Bavli, Yevamot 62b) '*ki lo nohagu kavod zeh ba'zeh*' because they didn't afford respect toward one another. They took their Torah arguments and carried it around with them. They treated their *chavruta*, their study partner, as a lesser person because of their views. The concept of *eilu v'eilu* and the dispute between the house of Hillel and Shammai allows for conflict without contempt.

Another such paradox exists in a gathering of *talmidei chachomim* known as the Ba'alei Asefot who would sit and argue numerous issues. Half of them would say one thing and a quarter would say the opposite and another few would say something in between. A passerby would wonder 'how can we learn Torah this way?' (Talmud Bavli, Chagiga 3b). With all these differing opinions how is one supposed to arrive at the truth? Indeed, how is one to know the correct path if even the geniuses and scholars argue on the basic principles of faith and direction? The Talmud assures us that we need not worry because 'they are all being led by the same shepherd,' *vayidaber elokim es kol hadvorim ha'eileh* (Shemot 20), for God said *all* of these things. Rashi there explains that due to Torah being Divinely given, it is intrinsically possible to arrive at the truth. Furthermore, since all sides agree that the Torah is God given, therefore all agree that we have to look to the same sources, thus we have the means to arrive at the truth. It is within our grasp! The Ran, however, has a different take on the matter; he understands that the Talmud is telling us that both sides of the dispute were given by Hashem to Moshe. That is, according to the Ran, each side of a genuine *machlokes* has valid roots in the Torah and was taught to Moshe at Har Sinai. Additionally, through a vote of the majority, man would decide the

eventual truth, and the decision they made would be binding whether or not they chose the “true” side of the debate.

To illustrate this point we have an interesting incident that surrounded a debate regarding the rules of ritual purity of a certain oven. (Talmud Bavli Baba Metziah 59a) The debate was being waged between Rabbi Eliezer and the rest of the seventy Sages. Rabbi Eliezer tried to bring different proofs by summoning numerous supernatural events if Heaven sided with his ruling, none of which served to impress the Sages and have them change their loyalties. Finally a *bat kol* came out pronouncing the Halacha to be as Rabbi Eliezer had said, and that too was soundly rejected by the Sages in that *lo bashamayim hi* 'Torah is not in the Heavens.' According to Rashi, Rabbi Eliezer was correct and identified the one and only truth that existed for this issue and for technical reasons the *bat kol* could not be accepted as valid proof to that effect. He maintains that you do your best to arrive at truth, which often means following the majority, and sometimes, as in this incident, you choose the wrong side. Others like the Ran, believe that the truth is inherently obscure because Torah was never intended for the Heavens but for us. For our sake, the Torah was given in a way that would allow us to forge our own path.

The Maharal (Be'er Hagola, Habe'er Harishon) goes even further to state that there is no purity without impurity and no good without evil; everything, including our minds was created with a dual-nature. That is why Ba'alei Asefot, Beit Hillel and Beit Shammai, and all types of Jewry across space and time, have vehemently opposing visions of Orthodoxy. The Maharal maintains that perhaps nothing in this life is black or white...we must simply open our hearts and minds to what we understand to be more black or more white.

A parallel concept is discussed in Bamidbar Rabba and is known as *shiv'im panim la'torah*, 70 faces of Torah. Rav Kahane (Pesikta De'rav Kahane 12:25) illustrates this concept as a hologram, in the way that what you see before you depends on your vantage-point. It seems as though, Torah can be perceived in 70 different manners. 'One shatters into many' (Talmud Bavli, Sanhedrin 34a). This concept is exemplified in the contradiction of Shemot 20 verses Devarim 5.

At first instance when God dictates the 10 commandments, He says *zachor es yom hashabbos lekadsho*. Then, when this event is summarized a few books later, it is written that He says *shamor es yom hashabbos lekadsho*. So which is it? Are we meant to remember or keep the day of Sabbath for holiness? Both. *Shamor v'zachor bedibur echad* (Talmud Bavli, Rosh Hashana 27a) a marvel impossible to imitate by mouth or hear with your ears. When God spoke this commandment He said two words at once. Some of us heard *zachor* and some of us heard *shamor* and others of us heard a little bit of both.

It seems as though God intended for us to hear precisely that which each of us as individuals heard and He did not intend for us, as a nation, to follow a monolithic rule book. *Anochi hashem elokecha ashe hotzeisicha...lo yihiye licha elohim acheirim* (Shemot 20). **cha** means you in singular form. It is as though God gave each of us a different Torah, so to speak. We must look at the Torah as personal, as new and individualized for our precise uniqueness.

Based on this tradition, *eilu v'eilu* invites divergent opinions on issues affecting the Jewish dynamic throughout history and continuously. How could such contradiction coexist within the same realm of Torah thought? Is opposition allowed and even encouraged? If so, are their terms or parameters to that allowance?

II In Theory

The vision of *eilu v'eilu* is not to determine what you believe in, but rather, to determine what, from what you do not believe in, is still part of Orthodoxy. It is not similar to the articulation of the vision of Orthodoxy that I adopt and attempt to follow in my personal observance of Torah. It is actually an imposed vision filled with cognitive dissonance. It is a vision that demands of me the halachic tolerance of positions with which I vehemently disagree. It is a realm where I can say that you are wrong, that I powerfully disagree with your position – but I cannot say your position is outside of Torah. Somehow, we are called upon, each of us, to delineate two visions of Torah. One is the personal

Torah vision that we observe and follow in our lives, a vision that we advocate in disagreement with other personal Torah visions. The other, an articulation of principles by which we define the parameters we call Judaism (or more appropriately Orthodoxy). The question demanded by *eilu v'eilu* is not: what do you believe? That is the realm of the personal vision. The question is: can you clearly maintain that what you do not believe, and that which the other believes, is or isn't within the framework of Orthodoxy? The closer the *eilu v'eilu* vision is to the personal vision, the less room for acceptance of variance. One must see the two types of visions – and to articulate them distinctly. I may have a vision of Torah that declares that I should support the State of Israel and I may disagree with the view towards the State, for example, of Satmar. But is this vision also to be the yardstick by which to determine whether Satmar is, or is not, within the pale? *Eilu v'eilu* initiates the suggestion that it is not. I can declare Satmar wrong based on my personal vision of Torah – but can I say that this view is outside the framework of Torah in general? I can only declare one outside the pale based on a vision of *eilu v'eilu* outlining such parameters.

Aruch Hashulchan describes every differing opinion as a different voice in one choir or a different instrument in an orchestra. No two voices are identical, no instrument is the same but with each focusing on its strengths, harmony and beauty is created. Every melody needs its' soprano, alto and bass.

The true dilemma that faces Orthodoxy at this time is not simply tolerance. The issue is the vision, or visions, of Orthodoxy. Those who banned the works of Ramchal, Rambam or even Rabbi Slifkin have a vision of Orthodoxy that excludes these works. Those who maintain that the ban itself is heretical, have a vision of Orthodoxy that excludes proponents of the ban. Given such visions, the ensuing rift is understandable. Intolerance of views outside of Orthodoxy is demanded and, at present, these two worlds see the other as outside of Orthodoxy. It would seem that each would contend that their differing visions are not just personal guidelines by which they live but also in contradiction to the guidelines of Torah itself. Is it correct to see these personal visions as Torah visions? Have the questions that need to be asked to formulate an *eilu v'eilu*

framework been asked? We know how to construct personal visions. Our learning of Torah is all directed to the construction of our understanding of Torah and the development of a hashkafa, philosophical system, and a halachic structure by which we live. But how does one construct a framework within which my view and opposing views are all included?

III In Practice

Eilu v'eilu divrei elokim chayim reminds us that God intended for us to embrace adversity. We are called upon not to just choose what we wish but rather to make a decision as to what we think is most correct for our journey. The Torah encourages us to participate in the very process that provides for us Gods' instruction as to His Will. How though, can we separate our journey from the very map telling us where to go?

We are ordered to '*kabed es habriyos*' respect the creations and '*lo sisna es achicha*' you shall not hate your brother, among many such commandments. We must establish mutual love and respect amongst our brethren and it will blossom into a more profound acceptance. Acceptance does not necessarily mean approval. You may disapprove of what your brother is doing yet still accept him into your heart and home. A precedent must be set in order to gauge what you can or cannot accept as a viable torah value, regardless of whether you approve of it.

Let's say I draw a guide using Rambam's 13 principles of faith; 1) that God is the Creator and Ruler of all things. He alone has made, does make, and will make all things. 2) that God is One. There is no unity that is in any way like His. He alone is our G-d He was, He is, and He will be. 3) that God does not have a body. physical concepts do not apply to Him. There is nothing whatsoever that resembles Him at all. 4) that God is first and last. 5) that it is only proper to pray to G-d. One may not pray to anyone or anything else. 6) that all the words of the prophets are true. 7) that the prophecy of Moses is absolutely true. He was the chief of all prophets, both before and after Him. 8) I believe with perfect

faith that the entire Torah that we now have is that which was given to Moses. 9) that this Torah will not be changed, and that there will never be another given by God. 10) that God knows all of man's deeds and thoughts. It is thus written (Psalm 33:15), "He has molded every heart together, He understands what each one does." 11) that God rewards those who keep His commandments, and punishes those who transgress Him. 12) in the coming of the Messiah. However long it takes, I will await His coming every day. 13) that the dead will be brought back to life when God wills it to happen. I would then assume that any idea in hashkafa and/or halacha that fits within this framework, even if I ferociously disagree with that idea, must still be within Torah values. And must therefore, be valued and respected as such.

As far back as you can go, the Torah is filled with different paths to the ultimate goal. We all agree that closeness to our creator *is* the ultimate goal; we just all have a different idea of how to get there. That's alright. In fact, it is preferred. When you arrive in the next world, and stand in the courthouse of absolute justice, God is not going to ask you why you didn't take someone else's' path to get there. He will only be concerned about how you chose to get there and if you chose the path *you* were meant to travel. Even the *shvatim* all had different paths. The Magen Avraham in *hilchos tefilla* quotes the Ari, who says that there were thirteen gates to Yerushalayim. Twelve of these gates were designated for each of the *shvatim*. This symbolizes each *shevet* approaching God in its unique way. The 13th gate, the *shaar hakollel*, was for converts, or someone who for some reason did not know which *shevet* he was from. In addition, anyone could use the 13th gate.

Rav Kook has a very interesting essay on tolerance in *psak halacha*. He noted that *talmidei chachamim* who engage in pounding out *hilchos* Torah are called "*baalei trissin*". A *tris* is a shield; wouldn't it be more appropriate to refer to a warrior as using a sword or a spear, rather than a shield? In learning, unlike other conflicts, one's goal is not to eliminate his opponent. *Eilu v'eilu*, the opposing opinion has validity. I'm interested in supporting my opinion, in demonstrating that my position has validity, not in demolishing the opposing

one. For this I need a shield, but my goal is not to wipe out my opponent. This is because of the fundamental respect a talmid chacham has for other opinions.

Rav Kook maintains that any thought or idea that you intend to use to get closer to God is legitimate, no matter the source. He remarks, (Orot Ha'emunah pg. 23) that there's no intrinsic difference between *emunah*, faith and *kfira*, heresy. They are both void of the pursuit of truth, since they are both blind-sided to a degree. Therefore, (ibid pg. 41) a thought may be carried in a vessel of purity or evil, but the core of the thought itself (Orot HaKodesh pg.17) is holy. Wisdom is the source of life and there is no thought that dissipates without meaning. Who is wise? One who learns from everyone (Pirkei Avot). You may spend an eternity in a library but if all your knowledge is of the written word, you've learned nothing of consequence. If you are able to humble yourself enough to realize the uniqueness and perfection of those around you, you will be able to open your heart and mind to a whole world of brilliance. One who considers the holiness of each individual (Orot HaKodesh pg. 327) including oneself, would not be able to even think of portraying hatred or disdain toward another. Remember that each person is created in the image of God and therefore treating him with disrespect is akin to defacing God Himself.

IV Conclusion

Contemplate the wonders of creation, the divine dimension of their being, not as a dim configuration that is presented to you from the distance but as the reality in which you live. Know yourself and your world. Find the source of your own life, and of the life beyond you, around you, the glorious splendor of the life in which you have your being. The love that is astir in you—raise it to its basic potency and its noblest beauty, extend it to all its dimensions, toward every manifestation of the soul that sustains the universe...(Orot Hakodesh pg. 83)

God created a perfect world. Within this perfect world, He created imperfection and that itself has made the world perfect. For, in a world with absolutes and black and whites, there is no personal journey. *Eilu v'eilu divrei*

elokim chayim. God, in His infinite wisdom, has allowed us to make it special. He has offered me the world, created solely for my own good and given me the opportunity to embrace the very specific path designed for me. Nobody else is on my path but when my path crosses another headed to the same place; I hope I will have the humility to learn something.