

The Torah and Emet

Rabbi David Etengoff

Dedicated to the sacred memories of my mother, Miriam Tovah bat Aharon Hakohen, father-in-law, Levi ben Yitzhak, sister, Shulamit bat Menachem, sister-in-law, Ruchama Rivka Sondra bat Yechezkel, Chana bat Shmuel, Yehonatan Binyamin ben Mordechai Meir Halevi, Shoshana Elka bat Avraham, Tikvah bat Rivka Perel, Peretz ben Chaim, Chaya Sarah bat Reb Yechezkel Shraga, Shmuel Yosef ben Reuven, Shayndel bat Mordechai Yehudah, the *Kedoshim* of Har Nof, Pittsburgh, and Jersey City, and the *refuah shlaimah* of Mordechai HaLevi ben Miriam Tovah, and the health and safety of our brothers and sisters in Israel and around the world.

One of the most famous sources in all Rabbinic literature that discusses the relationship between

G-d, man, Torah, and truth is found in *Talmud Bavli, Baba Metziah 59b*:

On that day Rabbi Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: “If the *halacha* agrees with me, let this carob-tree prove it!” Thereupon the carob-tree was torn a hundred cubits out of its place... “No proof can be brought from a carob-tree,” they retorted. Again, he said to them: “If the *halacha* agrees with me, let the stream of water prove it!” Whereupon the stream of water flowed backward. “No proof can be brought from a stream of water,” they rejoined. Again, he urged: “If the *halacha* agrees with me, let the walls of the schoolhouse prove it,” whereupon the walls inclined to fall. But Rabbi Yehoshua rebuked them, saying: “When scholars are engaged in a halachic dispute, what have you to interfere?” ... Again, he [Rabbi Eliezer] said to them: “If the *halacha* agrees with me, let it be proved from Heaven!” Whereupon a Heavenly Voice (*bat kol*) cried out: “Why do you dispute with Rabbi Eliezer, seeing that in all matters the *halacha* agrees with him!” But Rabbi Yehoshua arose and exclaimed: “*Lo va’shamayim he*—it is not in Heaven!” (*Sefer Devarim* 30:12, Talmud translation, *The Soncino Talmud* with my emendations)

Rabbi Yeshoshua’s creative use of the *pasuk*, “*lo va’shamayim he*,” creates a question that begs to be answered: “What exactly does he mean when he cites this verse in the context of our passage?”

We are fortunate that Rabbi Yermiah was focused on this very same issue in the continuation of our *Gemara*:

What did he mean by this? Said Rabbi Yermiah: “That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because You have long since written in the Torah at Mount Sinai (*Sefer Shemot* 23:2), ‘After the majority must one incline.’”

The Talmud's words are extraordinary, to say the least. They confirm that imperfect human reason, and the principle of majority rule, are the determinants in any halachic dispute—even when one of the disputants is the Voice of Heaven!

HaRav Yosef Dov HaLevi Soloveitchik *zatzal* (1820-1892), known as “the Beit HaLevi,” after the name of his works by this title, builds upon our Talmudic passage when he explains the Torah's role in our lives. (*Beit HaLevi, Sefer Shemot* 19:5) He asserts that the Torah was given to the Jewish people in its ideal heavenly form (*Torah She'Bichtav*), in conjunction with the obligation to interpret it and arrive at practical solutions to the problems of daily living (*halacha l'ma'aseh*). He further notes that, since our Sages were tasked with the explication and application of the *Torah She'Ba'al Peh*, these conclusions are our truth. Moreover, based upon Rabbi Yehoshua's utilization of the verse, “*lo va'shamayim he*,” the Beit HaLevi concludes that earthly truth can only be apprehended through intense Torah study and analysis, since, *lo nitnah haTorah l'malachei hashareit*—the Torah was not given to the Ministering Angels—but rather, to the Jewish people.

Rabbi Asher Weiss *shlita*, in his introduction to *Sheilot u'Teshuvot Minchat Asher*, volume I, expands upon the Beit HaLevi's analysis. In a thought-provoking essay entitled, “*Din Emet l'Amito*” (“True Law According to its Truth”), Rav Asher examines the essence of Torah and Jewish Law:

It appears that we can explain the following: When the Holy One blessed be He gave the Torah to the Jewish people, He did not give them wisdom alone. Instead, He gave them the ability and strength to **rule over** the Torah (“*lishlot ba'Torah*”) and render an absolute decision even if this decision, so to speak, is against the opinion of Hashem (“*da'at elyon*”). For this is the path of the Torah and the nature of Halacha: The Torah Sages are those to whom the Torah was passed down to reveal its mysteries, to decrypt its underlying principles, to decide the cases in doubtful matters and to render conclusive judgments regarding its laws. Their decision, in consonance with the wisdom of the Torah that man's Creator gave to them, are the essence of the Torah itself. (Translation and bolding my own)

In very few words, Rav Asher elucidates the two-fold nature of the Sinaitic Revelation. In addition to the revealed wisdom of the Torah, *Chazal* were given permission, through *Torah She’Ba’al Peh*, “to rule over the Torah and render an absolute decision even if this decision, so to speak, is against the opinion of Hashem.” This idea goes a long way in helping us understand the role of *Chazal* in the overall Torah enterprise, namely, “... to decrypt its [the Torah’s] underlying principles, to decide the cases in doubtful matters and to render conclusive judgments regarding its laws.” Rav Asher continues his analysis by noting that when the earthly-accessible *Torat emet* arrived at by our Sages’ determination of the *halacha* is in harmony with the ultimate truth of *Shamayim*, both the Heavens and earth rejoice as one. As *Dovid HaMelech* declared so long ago: “The heavens will rejoice, and the earth will exult...” (*Sefer Tehillim* 96:11)

Shabbat Shalom and *Chag Sameach*

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Please contact me at rdbe718@gmail.com to be added to my weekly email list.

*** My audio *shiurim* on the topics of *Tefilah*, *Tanach* may be found at: <http://tinyurl.com/8hsdpyd>

*** I have posted 164 of Rabbi Soloveitchik’s English language audio *shiurim* (MP3 format) spanning the years 1958-1984. Please click on the highlighted link: [The Rav](#)