

Commentary with Rabbi Benjamin Hecht

Eilu v'Eilu: Value of Choice or Value of Complexity

In advocating for the importance of *Eilu v'Eilu* and the significance of this concept within the realm of Torah, I have always been drawn to those who present the spectrum of *halachic* opinions on a subject. By corollary, I have also been wary of those who speak in terms of the definite, the existence of only one correct *halachic* view. Over the years, though, I began to recognize a distinction between myself and many others who also promote the presentation of variant opinions within *Halacha*. To me, while one obvious result of the recognition of a spectrum of viewpoints will be the existence of different individuals abiding by variant conclusions and, as such, a role for individuality and autonomy within Torah, this is not the essence of *Eilu v'Eilu*. It is not about choice. It, rather, is about complexity. *Eilu v'Eilu* indicates the inherent dynamic and dialectic nature of Torah. For many others, though, it just seems to represent an allowance for, even a promotion of, simply, choice.

Is there a problem, though, with presenting the reality of the *halachic* spectrum as, simply, an offering of choice? Is not one valid *halachic* opinion as acceptable as another valid *halachic* opinion? **T.B. Eruvin 6b** states that, before there was a definitive, communal decision to follow the positions of *Beit Hillel*, an individual could choose to follow either the views of *Beit Hillel* or the views of *Beit Shammai*. It would seem from this *gemara* that this decision is autonomous, allowing a person to simply choose which position to follow based upon personal considerations. From the *gemara's* further discussion, it would seem that this principle also applies today and, in situations of variant valid *halachic* viewpoints, an individual can decide which position to follow based solely upon his/her personal perspective. A close reading of the *gemara*, though, would

challenge such a broad conclusion. There is a choice – but not in regard to individual *halachic* mandates rather in regard to the entire system. At first blush, it would seem that the *gemara* is stating that indeed there is individual choice but only to the extent that one can choose to completely follow the entire corpus of law of *Beit Hillel* or the entire corpus of law of *Beit Shammai*. Such a parameter does change the very nature of this choice – and there is concern that this is not recognized.

Why does *Eilu v'Eilu* seem to be such a contentious issue? Why is it that there are individuals who seem to be bothered by the very presentation of a spectrum of opinion? Some may believe that there has already been a definitive ruling as to which view in *Halacha* is to be followed and, thus, just as it was inappropriate to follow *Beit Shammai* after *Beit Hillel's* views were established as the law, it is similarly inappropriate to present a spectrum of views when there is already a definitive ruling. Advocating for *Eilu v'Eilu* is thus seen as seemingly offering people choice when none, as perceived by these individuals, really exists. Indeed this is the essence of one of the fundamental disagreements between many of those who advocate against the presentation of a spectrum of *halachic* views and many of those who advocate for such presentations. The former believe that there is no longer choice in these many circumstances while the latter believe that there still is.

Another reason, though, may not only further explain why individuals are against the presentation of a spectrum of *halachic* views but may also explain the motivation of many individuals to indeed declare that there is a definitive *halachic* ruling. This is the concern that, if people were given the choice, such a decision will be made incorrectly. On a basic level, there is a concern that individuals will only look at the spectrum of viewpoints in regard to a specific issue and not consider the entire systems of those presenting these variant viewpoints. The choice allowed by the *gemara* is specifically a choice of systems, albeit that it seems to allow great autonomy to an individual in making this choice. But how many people consider entire systems within the spectrum of *Halacha* when they are considering differing views on a specific *halachic* decision? It may even be acceptable for a person to decide to accept a specific system solely based upon a desire to follow one specific *halachic* position found within this system – the key is the

recognition that a specific *halachic* view cannot exist outside the system which begat it. The autonomy granted by *Halacha* operates within this realm. There is concern that, with the promotion of *Eilu v'Eilu* as a declaration of the value of autonomy within *Halacha*, this parameter on autonomy will not be demarcated.

The fact is, though, that a further review of this *gemara* will actually indicate that, in choosing specific *halachic* practices, one does not really even have to follow the entire position of *Beit Hillel* or that of *Beit Shammai*. A further reality is that our *halachic* standards today are actually a mixture of opinions of both, albeit, by far, not an equal mix. This would clearly show that it is actually not necessary to follow an entire system. What the *gemara* concludes, though, is that one cannot choose differing views that actually, in theory, oppose each other. On the surface, this may not even be easily seen. The concern is for the acceptance of contradictory, theoretical principles upon which these different laws are based. The allowance for one to choose either the positions of *Beit Hillel* or those of *Beit Shammai* is actually a call for individuals to recognize that specific *halachic* details emerge from integrated, whole *halachic* systems – and that while there is great flexibility given to the individual in this realm of the system, this autonomy must remain on this level. *Halachic* details do not exist in a vacuum. They exist as expressions of overall systems developed from a realm of *halachic* theory. If one is able to develop a new *halachic* theory that is able to combine positions of *Beit Hillel* and *Beit Shammai* that would be contradictory within their respective systems, that is acceptable. But you can't choose to take one from Group A and one from Group B simply because you like them.

With this recognition, we begin to understand that the nature of *halachic* autonomy is actually very different than the general understanding of autonomy. In the general world, to argue for autonomy is to argue for the right of an individual to choose based upon one's personal perceptions or desires. In a certain way, Torah also allows individuals this right in regard to certain choices. As **Pirkei Avot 1:6,16** directs us: *Asei lecha Rav*, effectively choose for yourself a Rabbi. As this statement is directing you to choose someone to teach you or direct you in Torah, the choice must be personal for the one making this choice, by definition, does not have someone providing Torah direction by which to make this choice – after all that is the person he/she is choosing. The choice

permitted by the *gemara* between *Beit Hillel* and *Beit Shammai* is of a similar nature. From that point, though, any choice moves to the realm of the intellect. The question is no longer which choice you like but rather which choice do you think is the more correct one pursuant to the structured system that you accept.

The first uniqueness of *Eilu v'Eilu* is in its declaration that Torah provides choices because Torah does not provide one clear answer or direction. This, however, is not similar to the choice that an autonomous society may provide. *Eilu v'Eilu* does not simply say you can choose. What it says, rather, is that there are different intellectual possibilities that may emerge in the attempt to understand Torah – effectively yielding different Torah possibilities. The choice we are called upon to make, then, beyond the preliminary choice of which system to choose initially, is, more specifically, what do you conclude to be the most correct presentation of God's Will? Initially, this may be a choice that reflects some personal perspective but, as one furthers one's investigation and analysis, the question transforms more and more into which system is correct, i.e. presents the clearest and intellectually consistent presentation and understanding of the facts. No doubt, there may be a personal element in how this question is also answered but the subjective issue is no longer which position I like but rather which position do I think is intellectually the best one, i.e. most correct.

This leads into the second uniqueness of *Eilu v'Eilu*. In that this concept articulates the idea that differing understandings within Torah (still within, of course, certain parameters) are all possible and adherence to one over another is acceptable, our perspective of the essential truth that not only allows for this but actually promotes it (see **Rabbi Moshe Feinstein, Hakdama, Igrot Moshe**) goes through a metamorphoses. Our call to relate to Torah, to study Torah, demands of us not only to be committed to the particular system and path that we follow but to understand the entire collection of systems as a whole. Torah is beyond monolithic; it is a realm of conflicting principles interacting with each other. In the words of **Rabbi Joseph B. Soloveitchik, Majesty and Humility, Tradition 17:2**, it is a world that reflects a unique dialectic where “[t]he conflict is final, almost absolute. Only God knows how to reconcile; we do not.” This is what *Eilu v'Eilu* articulates.

So while it is true that *Eilu v'Eilu* supports a certain level of choice and as such autonomy within Torah -- this does not reflect its ultimate value. First, the choice that it promotes is not similar, on so many levels, to the autonomy that exists in the secular world. 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 – given the effort and knowledge that we must acquire to exercise this choice. The Torah calls upon us to participate in the very process that provides for us God's instructions as to His Will. This, indeed, incorporates our individuality and our directed autonomy. But beyond this, *Eilu v'Eilu* is the ultimate expression of the complexity of God and His moral universe. It is the opposite of simplicity just as the Unity of God is beyond our very determined comprehension.

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