

# THE SYSTEM MUST PREVAIL – RIGHT OR WRONG

*by Rabbi Yissocher Frand*

## Parshas Shoftim

### The System Must Prevail - Right Or Wrong

In this week's parsha, we are commanded to adhere to the teachings of the Jewish Court: "According to the teaching that they will teach you and according to the judgment they will say to you, shall you do; you shall not deviate from the word they will tell you, right or left." [Devorim 17:11] Not only is there a positive command to listen to a Jewish Court, but moreover there is a negative prohibition of deviating from that which they tell you.

The Sefer haChinuch formulates the negative prohibition: "We are forbidden from arguing with the transmitters of tradition (ba'aley haKabbalah) or from changing their instructions or deviating from their guidance in all Torah matters." As is his literary style, the Chinuch delves into the reason behind this commandment:

The nature of human beings is that they are argumentative and have disagreements. People view things differently. The Almighty realized that if everyone had the ability to interpret Torah according to their own understanding of the pasukim [verses], anarchy would reign amongst the Jewish people. Such an approach would be a recipe for disaster and the Torah would quickly disintegrate into a multiplicity of legal codes. Therefore, it is incumbent on the masses to follow the central authority of the Jewish High Court.

Lest we think that this only applies to the Sanhedrin that sat in the Hewn Chamber on the premises of the Holy Temple, the Chinuch continues: "And thus it is to be in each and every generation that the masses must listen to the Sages (of that generation) who received their tradition with much diligence and effort from the Sages of previous generations. And concerning this matter, the scripture enjoins us not to deviate from the words of our teachers 'to the right or to the left'. Our rabbis have interpreted this to mean that even if they tell us that what we think is our right hand is our left hand and what we think is our left hand is our right hand, we should accept their teaching." (Sifrei)

How can this be so? If we empirically know that the Sages are wrong, then why listen to them? The Chinuch addresses this question:

"Even if they are in error about a certain matter, it is inappropriate for us to dispute them and we should go along with their error. It is better to suffer with their single mistake (rather than undermine their authority), so that in general their good advice will remain sovereign and the masses will always be bound by their wise authority." In other words, they may be wrong on occasion but it is better for the "system" that they not be questioned, even about their obvious errors. Once people start arguing with the Sages, the entire infrastructure of Rabbinic authority will collapse. Once the system collapses, it's all over! It is better live with the mistake, rather than destroy the whole system.

Rav Hutner once wrote the following letter to a congregation honoring their Moreh d' Asra [Rabbi] (who was a former student of Rav Hutner's) on the occasion of his tenth anniversary with the congregation:

People do not appreciate what a Moreh d'Asra represents. In large cities, there was always the tradition of having a 'City Clock' on top of a high tower. Superficially, people assume that the purpose of having a clock so high up is so everyone will be able to see the correct time from a great distance. The real reason, however, is that if the clock were easily accessible to everyone (without a ladder) then everyone would look at their own watch and adjust the clock based on what he perceived to be the correct time. Each person would think: "The City Clock is wrong!" That was the wisdom of putting the clock so high up that people would have to set their watches by the City Clock.

Rav Hutner noted that the Moreh d'Asra must be the 'City Clock'. He has to be put on a pedestal. His opinion has to be above everyone else's. If the Moreh d'Asra is just like anyone else, people will try to set the opinion of their Moreh d'Asra according to their own personal opinions. One person will turn him one way and another person will turn him another way, and the net result will be chaos. Therefore, a Rav must occupy a position like the City Clock. "Set not the Rav's opinion according to your opinion; set your opinion according to the opinion of your Rav."

The Sefer HaChinuch explains the Gemara in Bava Metzia relating to "the oven of Achinai". Rav Eliezer had a dispute with the Sages about a matter relating to the laws of ritual impurity. Rav Eliezer invoked all kinds of supernatural events to prove the veracity of his position. However a Bas Kol [Heavenly Voice] proclaimed: "It is not in Heaven" - meaning that rules of the Torah cannot be decided by miraculous signs. The policy "majority (opinion of Torah Sages) rules" (acharei rabim l'hatos) is sacrosanct. Therefore the halacha was established like the Sages and not like Rav Eliezer, despite all the signs from Heaven that Rav Eliezer was able to invoke to "prove" the correctness of his opinion.

The Gemara concludes with a postscript. Rav Nasan found Eliyahu the prophet and asked him what the Almighty was doing at that moment when the heavenly proofs were rejected and the halacha was established like the majority opinion. Eliyahu responded that G-d (as it were) smiled and said: "My children have defeated me."

The Chinuch explains this exchange as follows: In an absolute sense Rav Eliezer was right in his position and the Sages were wrong. However sometimes there is a principle that is even more important than the truth. "Following the majority" is such a principle. One must follow the majority, right or wrong! Truth becomes almost secondary if applying the truth would violate one of the Torah's rules of jurisprudence.

This is the exact same idea that the Chinuch introduces regarding the mitzvah of following the Sages "even if they tell you right is left and left is right." Even if the Chachomim are making a mistake, there must be a system for the Torah to continue. The system is that there must be an authority. Not everyone can pasken for himself and view things from his own perspective.

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