

What Was Given at Sinai?

1. Pirush Mekubal MiSinai – Interpretations of verses given at Sinai

- a. Never any debate
 - i. We believe even an individual
- b. Core aspect of mitzvah
- c. E.g. – an eye for an eye is not meant to be literal

2. Halacha L'Moshe MiSinai - Laws given to Moshe at Sinai that have no source in the Torah

- a. Never any debate
- b. Core aspect or small detail of mitzvah
- c. We believe even an individual
- d. Rambam counts 33
 - i. e.g. Tefillin are supposed to be black; *shiraim* (measurements); *orlah* (the prohibition of eating fruit from a tree's first three years) applies even in the Diaspora

3. Derashos – Laws that are derived using the 13 Hermeneutical Principals given at Sinai

- a. These laws are developed over history by sages in every generation
- b. Details of mitzvos that people needed to clarify
- c. Subject to debate and decided by majority consensus in each generation
- d. Could be overturned by subsequent generation
- e. Most of debates fall into this category

4. Gizeros – Laws that the Rabbis legislated to facilitate adherence to Biblical law

- a. Authorized by the Torah – (Leviticus 18:30) וּשְׁמַרְתֶּם אֶת־מִשְׁמַרְתִּי - You shall keep My charge
- b. We are obligated by the Torah to follow those policy decisions – (Deuteronomy 17:11) עַל־פִּי הַתּוֹרָה אֲשֶׁר יוֹרֶה וְעַל־הַמִּשְׁפָּט אֲשֶׁר־יֵאמְרוּ לָךְ תַּעֲשֶׂה לֹא תִסּוּר מִן־הַדְּבָר אֲשֶׁר־ (17:11) גִּידְוּ לָךְ יְמִין וּשְׂמֹאל - You shall act in accordance with the instructions given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or to the left.

- c. Cannot be overturned unless future court is greater in wisdom and numbers one accepted by Jewish community (unless a specific reason was explicitly given)
- d. E.g. – muktza; prohibition of eating chicken and milk

5. Takanos – Laws that the Rabbis legislated not associated with Biblical commandments, but deemed necessary for the nation

- a. We are obligated by the Torah to follow those policy decisions – (Deuteronomy 17:11) על-פי התורה אשר יורוף ועל-המשפט אשר-יאמרו לך תעשה לא תסור מן-הדבר אשר- (17:11) על-פי התורה אשר יורוף ועל-המשפט אשר-יאמרו לך תעשה לא תסור מן-הדבר אשר- יגידו לך ימין ושמאל - You shall act in accordance with the instructions given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or to the left.
- b. Cannot be overturned unless future court is greater in wisdom and numbers one accepted by Jewish community
- c. E.g. – Chanukah; *pruzbal* (document/legal mechanic designed to collect debts after Sheittah)

Why Are Debates Recorded In Halacha?

- 1. To not cast doubt on those who will later present a tradition of other opinions that were not accepted in halacha
- 2. To preserve minority opinions

Eduyos 1:5 - משנה מסכת עדויות פרק א משנה ה

למה מזכירין דברי היחיד בין המרובין הואיל ואין הלכה אלא כדברי המרובין? שאם יראה בית דין את דברי היחיד ויסמוך עליו שאין בית דין יכול לבטל דברי בית דין חברו עד שיהיה גדול ממנו בחכמה ובמנין היה גדול ממנו בחכמה אבל לא במנין, אבל לא במנין אלא בחכמה אינו יכול לבטל דבריו עד שיהיה גדול ממנו בחכמה ובמנין:

And why do they record the opinion of a single person among the many, when the halakha must be according to the opinion of the many? So that if a court prefers the opinion of the single person it may depend on him. For no court may set aside the decision of another court unless it is greater than it in wisdom and in number. If it was greater than it in wisdom but not in number, in number but not in wisdom, it may not set aside its decision, unless it is greater than it in wisdom and in number.

- 3. To show intellectual honesty when one side acknowledges that the other is correct