

## Mishnah B'rachot 1:1

**Recording Multiple Perspectives** - Example from the first Perek of the Mishnah, the earliest 'Study Guide' for Jewish Law

### מסכת ברכות

א מאימתי קורין את שמע בערבית. משעה שהכהנים נכנסים לאכל בתרומתן, עד סוף האשמורה הראשונה, דברי רבי אליעזר. וחכמים אומרים, עד חצות. רבן גמליאל אומר, עד שיעלה עמוד השחר. מעשה שבאו בניו מבית המשתה, אמרו לו, לא קרינו את שמע. אמר להם, אם לא עלה עמוד השחר, תיבין אתם לקרות. ולא זו בלבד, אלא כל מה שאמרו חכמים עד חצות, מצותן עד שיעלה עמוד השחר. הקטר חלבים ואברים, מצותן עד שיעלה עמוד השחר. וכל הנאכלין ליום אחד, מצותן עד שיעלה עמוד השחר. אם כן, למה אמרו חכמים עד חצות, כדי להרחיק את האדם מן העבירה:

From when may one recite Shema in the evening? From the time when the Kohanim go in to eat their Terumah [produce consecrated for priestly consumption], until the end of the first watch – so says Rabbi Eliezer. And the Sages say: Until midnight. Rabban Gamliel says: Until the break of dawn. It once happened that his [Rabban Gamliel's] sons came from a house of feasting. They said to him: We have not recited Shema. He said to them: If dawn has not broken, you are obligated to recite it. And [this is true] not only in this case; rather, in all cases where the Sages said that [some precept can be performed only] until midnight — their precepts are [still in force] until the break of dawn. [For example:] Burning the fats and limbs [of the sacrifices, on the Temple altar] — their precepts [can be performed] until the break of dawn. And [another example:] all [sacrifices] which may be eaten for one day — their precepts [of eating them can be performed] until the break of dawn. If that is so, why did the Sages say, "until midnight"? To distance a person from transgression.

## **DISPUTES of Beit HILLEL AND Beit SHAMAI - b. Talmud Eruvin 13b**

- (a) [(R. Aba): Beit Hillel and Beit Shamai argued for three years. Each said 'the Halachah (Jewish Law) follows us'.  
(b) A Bat Kol (Heavenly Voice) announced 'the opinions of both of them are words of the Living God. [Nonetheless] The Halachah follows Beit Hillel.'  
(c) Question: Since both of them are words of God, why did Beit Hillel merit that the Halachah follows them?  
(d) Answer: They were pleasant and patient, and would teach Beit Shamai's opinion as well as their own. Further, they taught Beit Shamai's opinion before their own.

### **Mishnah Eduyot 1:4 & 5 (regarding another dispute, which followed NEITHER Hillel NOR Shammai)**

ד וְלָמָּה מְזַכְּרִין אֶת דְּבָרֵי שְׁמַאי וְהִלֵּל לְבִטּוּלָהּ, לְלַמֵּד לְדוֹרוֹת  
הַבָּאִים שְׂלֵא יְהִי אָדָם עוֹמֵד עַל דְּבָרָיו, שְׁתָּרִי אֲבוֹת הָעוֹלָם לֹא  
עָמְדוּ עַל דְּבָרֵיהֶם:

ה וְלָמָּה מְזַכְּרִין דְּבָרֵי הַיְחִיד בֵּין הַמְּרַבֵּין הוֹאִיל וְאִין הִלְכָה אֶלָּא  
כְּדְבָרֵי הַמְּרַבֵּין, שְׂאֵם יִרְאֶה בֵּית דִּין אֶת דְּבָרֵי הַיְחִיד וְיִסְמֹךְ עָלָיו,  
שְׂאִין בֵּית דִּין יָכוֹל לְבַטֵּל דְּבָרֵי בֵּית דִּין חֲבָרוֹ עַד שְׂיִהְיֶה גְּדוֹל  
מִמֶּנּוּ בַחֲכָמָה וּבַמִּנְיָן. הִיָּה גְּדוֹל מִמֶּנּוּ בַחֲכָמָה אֲבָל לֹא בַמִּנְיָן,  
בַּמִּנְיָן אֲבָל לֹא בַחֲכָמָה, אִינוֹ יָכוֹל לְבַטֵּל דְּבָרָיו, עַד שְׂיִהְיֶה גְּדוֹל  
מִמֶּנּוּ בַחֲכָמָה וּבַמִּנְיָן:

4 And why do they record the opinions of Shammai and Hillel, when these do not prevail? To teach the generations that come after that none should persist in his opinion, for lo, 'the fathers of the world' did not persist in their opinion.

5 And why do they record the opinion of the individual against that of the majority, whereas the *Halakhah* may be only according to the opinion of the majority? That if a court approves the opinion of the individual it may rely upon him, since a court cannot annul the opinion of another court unless it exceeds it both in wisdom and in number; if it exceeded it in wisdom but not in number, or in number but not in wisdom, it cannot annul its opinion; but only if it exceeds it both in wisdom and in number.