

Taking a Stand That Does Not Trample: An Ancient Disagreement about Disagreement

[Leading up to the following sections, the pronouncements of Shammai and Hillel were mentioned even though they did not figure into the sages' ruling on the matter at hand. Ultimately, in light of a living tradition brought by the testimony of two lowly weavers, all of the sages, including Shammai and Hillel, set aside their own rulings.]

וְלָמָּה מְזַכְּרִין אֶת דְּבָרֵי שְׁמַאי וְהֵלֵל לְבִטְלָהּ? לְלַמֵּד לְדוֹרוֹת
הַבָּאִים שֶׁלֹּא יִהְיֶה אָדָם עוֹמֵד עַל דְּבָרָיו שֶׁהָרִי אֲבוֹת הָעוֹלָם לֹא
עָמְדוּ עַל דְּבָרֵיהֶם.

And why [in the previous section] do we mention the teachings of Shammai and Hillel with no apparent purpose? In order to teach the following generations that one should not stand firm on his own pronouncements. For the Fathers of the World did not stand firm on theirs.

וְלָמָּה מְזַכְּרִין דְּבָרֵי הַיְחִיד בֵּין הַמְּרַבִּין הוֹאִיל וַאֲיִן הֶלְכָה אֶלָּא
כְּדִבְרֵי הַמְּרַבִּין? שְׂאֵם יִרְאֶה בֵּית דִּין אֶת דְּבָרֵי הַיְחִיד וַיִּסְמוֹךְ
עָלָיו; שְׂאִין בֵּית דִּין יָכוֹל לְבַטֵּל דְּבָרֵי בֵּית דִּין חֲבֵרוֹ עַד שִׁיְהִי
גְּדוֹל מִמֶּנּוּ בְּחֻכְמָה וּבְמִנְיָן. הִיָּה גְּדוֹל מִמֶּנּוּ בְּחֻכְמָה אֲבָל לֹא בְּמִנְיָן,
בְּמִנְיָן אֲבָל לֹא בְּחֻכְמָה אֵינוֹ יָכוֹל לְבַטֵּל דְּבָרָיו עַד שִׁיְהִי גְּדוֹל
מִמֶּנּוּ בְּחֻכְמָה וּבְמִנְיָן.

And why do we mention the opinion of an individual along with the majority seeing as how the halacha follows the majority? So that a court might review an individual opinion and base itself upon it. For otherwise one court cannot overrule a fellow court unless it is greater in wisdom and in number. If it is greater in wisdom but not in number, in number but not in wisdom, it cannot nullify that greater court's ruling; only if it is greater in both wisdom and number.

אָמַר רַבִּי יְהוּדָה: אִם כֵּן לָמָּה מְזַכְּרִין דְּבָרֵי הַיְחִיד בֵּין הַמְּרַבִּין
לְבִטְלָהּ? שְׂאֵם לֹאמַר הָאָדָם: כִּדְּבָרֵי אֲשֶׁר
פְּלוּנִי שְׂמַעְתָּ.

Rabbi Judah said: If it is so [that the majority prevails] why mention along with the majority the pronouncements of an individual for no purpose? So that if someone says: This is the tradition that I have received, he can be told: You have cited So-and So [whose view has been specifically rejected].