

Parsha Ponders

Shoftim | August 13, 2021 | 5 Elul 5781

Matters of doubt¹

על-פי התורה אשר יורוך ועל-המשפט אשר-יאמרו לך תעשה לא תסור מן-הדבר אשר-יגידו לך ימין ושמאל
You shall do according to the Torah that they rule for you, and the judgement that they tell you. Do not turn left or right from the matter that they tell you²

The Rambam, also known as Maimonides, learns from this verse³ the obligation to listen to the Rabbis. It comes out then that every Rabbinic *mitzvah*, obligation, or prohibition, are all included in the commanded not to turn from the matter that they tell you. That should make them all obligatory on a Biblical level in some way. To this asks⁴ the Ramban, also known as Nachmanides, how could it be then that we have a rule in a Biblical matter of doubt that one must be stringent, but in a Rabbinic matter of doubt one may be lenient? If every Rabbinic matter is really Biblical, how could there be this distinction?

Some suggest⁵ a very simple explanation. Since the Rabbis can decree whatever they want, they can decree that one can be lenient in a matter of doubt. Meaning, built into every Rabbinic enactment, even if the obligation to listen to it is Biblical, is that if there occurs a doubt in this enactment, one can be lenient⁶. However, the Chasam Sofer wants to suggest that an answer is found in the very verse where the Rambam is coming from.

The verse says not to turn from what the Rabbis tell us, not right, nor left. The Chasam Sofer suggests what this means we shouldn't forbid that which they permitted, nor should we permit that which they forbade. This would be turning to the right or turning to the left. However, something that is neither right nor left, meaning something that is a matter of a doubt, the verse wasn't referring to that. It comes out then that we were never commanded to listen to the Rabbis regarding a matter of doubt. This means then that in such a case we have every right to be lenient⁷.

Good Shabbos

¹ Based on [Chasam Sofer Al HaTorah to Deuteronomy 17:11](#)

² [Deuteronomy loc. cit.](#)

³ [Sefer HaMitzvos Shorashim § 1; Mishneh Torah Hilchos Mamrim 1:1,2](#)

⁴ [Hasagos HaRamban Al Sefer HaMitzvos ad. loc.](#)

⁵ [Rashbatz](#) in his [Zohar HaRakiah Hakdama Shorash 1](#). In fact, [Rav Gustman](#) in his [Kuntresei Shiurim Kiddushin § 24](#) points out that the [Ramban ad. loc.](#) himself proposes this resolution and rejects it

⁶ The [Ramban loc. cit.](#) has other questions on the [Rambam](#), including the idea that if there's a dispute in a Rabbinic matter, we should follow the lenient opinion ([Avodah Zara 7a](#)). The [Shev Shematessa 1:3](#) understood that the [Rashbatz's](#) answer would not cover this latter question, as the one who rules stringently wouldn't say that built into their decree is to be lenient in a matter of doubt. He has no doubts, so how could we ignore his opinion? Nevertheless, the [Ohr Gadol § 45](#) sees no reason why the [Rashbatz's](#) approach won't apply here as well. We can simply say that [Chazal](#) decreed whenever there is a doubt on how to rule, we follow the lenient approach

⁷ The [Chasam Sofer](#) says one could argue that regardless of this reading of the verse, the [Rambam](#) holds all matters of doubt are really permissible on a Biblical level ([Mishneh Torah Hilchos Tumas Mes 9:12](#)). In fact, the [Shev Shematessa loc. cit.](#) proves from the [Ramban's](#) questions that the opinion of the [Rambam](#) must be true. However, the [Rambam](#) is stringent in doubts which are איסורא איקבע ([Mishneh Torah Hilchos Shegagos 8:2](#); see [Shev Shematessa 1:1-4](#)). As such, the [Chasam Sofer](#) says his reading of the verse would cover those cases as well, such that if there was a Rabbinic matter of doubt involving איסורא איקבע, one could nevertheless be lenient