

"THE ETHICS OF CONTROVERSY"

Peace -- personal, domestic, and communal peace -- is considered in the Jewish tradition as the greatest of all blessings. It is regarded as the *חֵטֶם הַבְּרָכָה*, the seal or the climax of the priestly blessings: *וְשָׁלוֹם*, the blessing of peace.

However, peace should not be understood as unanimity of ideas and uniformity of opinion. It would be exceedingly difficult to establish peace in society if unanimity were a prerequisite. It would be utterly impossible in Jewish society, for Jews are especially not predisposed to uniformity of opinion. From the very beginning of time, our people have been characterized by an independence of thought. The Talmud itself is monumental testimony to the divergence of views and opinions. The Rabbis put it this way: just as the faces of people are dissimilar to each other, so do their opinions differ. And one might add, that just as the variety in physiognomy adds to the aesthetics of living, so does the variety of opinions add to its intellectual stimulation and excitement.

Furthermore, controversy should not always disturb us. The great Maggid of Mezeritch, the leading theoretician of Hasidism and one who knew only too well the life of controversy, told us never to be discouraged when we face violent opposition. Sometimes we should accept it as a compliment: the highway robber attacks

the man who bears jewels, he never bothers with a man who drives a wagon of straw or refuse.

It is in this sense that the Rabbis knew that controversy can be both bad and good. Sometimes it is constructive, sometimes destructive. In the fourth chapter of Avot, they said the following:

כָּל מַחְלָה שֶׁלִּפְנֵי שָׁמַיָּהּ עוֹלָם
וְכָל מַחְלָה שֶׁלִּפְנֵי אִין סוֹפֵה
מַחְלֵי שָׁמַיָּהּ עוֹלָם וְכָל מַחְלֵי
אִין סוֹפֵה

Every controversy which is for the sake of Heaven, in the end it will endure. And a controversy which is not motivated by the demands of Heaven, in the end it will not endure. Which is a controversy for the sake of Heaven? -- the disputes between Hillel and Shammai. And which is a controversy not for the sake of Heaven? -- the dispute of Korah and his band against Moses and Aaron.

The Rabbis thus considered controversy as sometimes advisable and of enduring value (כָּל מַחְלָה שֶׁלִּפְנֵי שָׁמַיָּהּ), and sometimes as destructive and to be shunned. In that case, the whole matter of dispute and contentiousness bears closer analysis, for we are dealing with the ethics of controversy, and must learn to determine when it is right and when it is wrong. In a generation such as ours, when the vicissitudes of social movement and political opinion have all but rent society apart, when daily life consists of non-negotiable demands and violent confrontations, of sharp cleavages and loud dissension, it is vital for us to begin to consider at least the fundamentals of the ethics of controversy.

The first source for such an ethic is provided for us by Hillel and Shammai themselves. These two greatest of all the Tannaim were frequently in disagreement with each other. Their debates ranged over the whole of Halakhah. Normally we decide the Halakhah according to Hillel, and only in very few cases does the decision lie with Shammai.

Now, the Mishnah (Eduyot, Chap. I) asks: וְלָמָּה נִזְכָּר שְׁמַי

? וְלָמָּה נִזְכָּר שְׁמַי Why is it necessary to mention the opinion of either Shammai or Hillel when that particular view is declared non-acceptable, and the Halakhah remains with his disputant? Would it not have been wiser simply to codify the law according to the view we accept, and not to bother to mention the minority opinion? The Mishnah answers: וְלָמָּה נִזְכָּר שְׁמַי וְלָמָּה נִזְכָּר הִלֵּל It comes to teach all future generations that a man should never be persistent in his views, for the "fathers of the world" were not persistent in their views.

What the Mishnah means, is that Hillel and Shammai, the fathers of the Oral Torah, the chief channels for the transmission of the sacred Jewish tradition, were people who were constantly engaged in disputes and debates and polemics, but never without mutual respect between them. They were valiant advocates of differing opinions, but they were always intellectually honest, and when one saw that his opinion was weak and that of his opponent was more sub-

stantial, he did not hesitate to admit the truth and to yield.

Hillel and Shammai teach us that we must be vigorous in the pursuit of our ideas, but never stubborn; resolute, but never relentless; incorruptible, but never immovable.

In a *pinh puf* *hpinon*, in any argument informed by higher ideals, we must have opinions, even strong ones, but we must never be blind to an opponent's thinking. We must ~~neither~~ be closed-minded nor flabby-minded, but keep to the Golden Mean: open-mindedness. In that way, controversy becomes true dialogue not merely the confrontation of two monologues.

A second guidepost in the ethics of controversy concerns the definition of *pinh puf*, "for the sake of Heaven." When is a dissenting view motivated by such high ideals, and when is it really informed by ulterior and selfish motives? Unfortunately that is very hard to determine. I am no expert in the history of human controversy, but I should be surprised if there were more than half a dozen cases in all of history in which both sides did not lay complete and absolute claim to "sincerity," high-mindedness, and "for the sake of Heaven." In a whimsical moment, the Rabbis tell us that Cain and Abel, in their dispute which ultimately ended in fratricide, also claimed, each for himself, the sanction of *pinh puf*. They divided the world up between them, but fought over a small piece of territory on which the Temple was to be built in later generations. Each one argued: I really have no special

hunger for more territory, all I want is this little piece, because
on it will be built the Temple, and all I want is pine pole ...

How then are we to discriminate between the contention that is "for the sake of Heaven" and the one that is not? A great and insightful commentator on the Torah of some 400 years ago, Rabbi Eliezer Ashkenazi (Maaseh Hashem) offers us a valuable criterion for deciding when an argument is truly genuine and when not. He refers back to the Mishnah which we quoted, but he reads it somewhat differently: פ"ק אהב נפשו ונפשו כהלכה אהבה לו
This does not mean, he says, that a dispute which is for the sake of Heaven will in the end endure. It means more than that. The word sof, "end," has two meanings, even as the word "end" has two meanings in English: that of conclusion and that of purpose, as in "means and ends." Now we read this clause as follows: how do we know if an argument is truly "for the sake of Heaven?" -- if its purpose is endurance and survival, le'hitchayem. An argument is "for the sake of Heaven" when it strives to perpetuate the institution or ideal or principle which is in dispute.

Thus, when Hillel and Shammai argue about a specific halakhah, that is a *פירוש פסוק* *היפוכות*, because each genuinely desires the perpetuation of Halakhah as such. But, when Korah and his coterie rebelled against Moses, they sought not the security of spiritual leadership, but the destruction of the priesthood and of Moses' leadership: hence, this latter argument was not *פירוש פסוק*.

Or, for instance, when Zionists argue with non-Zionists about the advisability of the human upbuilding of the Land of Israel, if the non-Zionists are those who have abandoned the hope of Jewish redemption, it is a dispute which is not *פירע פער*, for the non-Zionists in this case have no desire of *פרייהאלטן דאס*, of preserving and enhancing the object of the debate, namely, the Land of Israel. But if the non-Zionists are those who passionately desire the welfare of the Land of Israel, but happen to believe that it should not be achieved by human means, but by Divine means, then even if we disagree with them we must grant that it is a *פירע פער הייבונג*. Similarly, if Democrats and Republicans, or Conservatives and Liberals argue about the nature of the American Government, then it is, in civic terms, a *פירע פער הייבונג* because both wish the safety of the republic. When Administration and students argue about the nature of the university, then no matter how violent the confrontation, it is a *פירע פער הייבונג* provided that both do want a stronger university, a place in which the free exchange and development of ideas can take place. But if the students arrange the confrontation because they want to tear down the university as the weakest social institution which will invite the collapse of the rest of society, it is not *פרייהאלטן דאס* and therefore not a *פירע פער הייבונג*.

I submit that this is a criterion which can be used to good advantage in deciding the nature of many a contemporary public controversy.

A third insight for an ethic of controversy is a bit more subtle. Let us grant that two opinions in dispute with each other are both *אין פסל*, that they are similar to the arguments of Hillel and Shammai, and not of Korah and Moses. In such a case, while the argument must for practical reasons sooner or later be resolved one way or another, nevertheless both opinions remain valid and endure in theory -- *אין פסל ודא*, both survive and both remain. Whereas in a controversy which is not for the sake of Heaven, such opinions which are not properly motivated fade away and cannot endure.

What is the difference if an opinion remains valid theoretically, if in practice we do not act on it? Simply this: that ultimately conditions may change, and then decisions may change too, and an opinion temporarily rejected may later be accepted as valid, whereas the one now accepted may later go into eclipse.

This is the meaning of the passage in our literature which tells us that when Hillel and Shammai were engaged in their debates, a Heavenly Voice issued forth and proclaimed: *אין פסל ודא*. "Both these and these are the words of the Living God." It is true that for practical purposes we almost always accept the opinion of Hillel and not the opinion of Shammai; nevertheless, the opinions of Shammai remain valid opinions, they constitute the heart and the substance of Torah as such. If a man should decide to spend a lifetime studying only the rejected opin-

ions of Shammai, he fulfills the commandment of the study of Torah to the same degree and extent as a man who studies only the opinions of Hillel which are accepted as halakhah.

In a remarkable passage, the Zohar tells us that whereas in our times we accept the opinions of Hillel over Shammai, nevertheless, *לכבוד מלכותו*, in the great future after the Messiah, *יכלול שני דעות*, the decisions will change, and the opinions of Shammai will prevail. This is precisely what the Zohar meant:

דבר שנתקבל ודבר שנתקבל. An opinion may not be accepted in practice, but if it is "for the sake of Heaven," it retains its very sanctity and its survival is secured.

Now this does not hold true for all controversies, but only those *דבר שנתקבל*. The disagreement, for instance, by those who are true to the Torah tradition, and those who deny the validity of Torah in modern times, is not a *דבר שנתקבל*. To apply to such disputes the facile sleight of hand of quoting the passage *דבר שנתקבל*, is intellectually dishonest. The words of those who deny the Torah of the Living God, cannot be called *דבר שנתקבל*. However, if Torah is accepted, but there is a debate as to how it should be understood and how it should be effected, such as the dispute between the Hasidim and the Mitnagdim, that is a *דבר שנתקבל* -- and there both opinions endure, and we may choose a different answer for different circumstances. Or, the dispute between those who insist that Jewish education should con-

sist of "Torah only," against those who follow some version of the Torah im Derekh Eretz school, insisting upon the combination of Torah with general culture -- this too is a פירוש של חקירות and of this too we may say פירוש של חקירות. Therefore there are places and there are times when we may opt for one answer, and places and times when another solution commends itself. Although immediately, for now, we may accept only one view, the other nevertheless remains a viable and living option, ready for adoption when the times permit.

What we have mentioned is but the beginning of a framework for the ethics of controversy. It is important to make such a beginning, in order to find our way through the contentions of our period of history.

ה' יתן עוז וחסד לאמו ה' יתן עוז וחסד לאמו
 "The Lord will give His people strength, the Lord will bless His people with peace." Oze, strength, is defined as "Torah," or, in other words, moral strength. Why is it necessary? Because shalom or peace does not mean uniformity or unanimity of opinion. It means, rather, a state of friendship and love and mutual respect, even while differences of opinion are encouraged, even during controversy, even in the midst of dispute. And to achieve this equilibrium -- argument and peace, dispute and respect, controversy and love -- for this one needs wisdom and intelligence, and, above all, the kind of moral strength that comes from Torah: oze.

ה' יתן עוז וחסד לאמו ה' יתן עוז וחסד לאמו