The Virtue of Dispute

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Rabbi Yitzchak Etshalom is a long-time Tanakh teacher in the Los Angeles area and a highly sought-after Scholar in Residence around the country. His latest book, The Genius of Prophetic Rhetoric, a comprehensive commentary on the book of Amos, has just been published by Koren. This article appears in issue 45 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

> Even a father and his son, a teacher and his student, who are studying Torah together in one gate, become enemies to each other but do not leave there until they love each other. (BT *Kiddushin* 30b)

This aphorism, the end of which is more properly translated as "do not leave there until their love for each other *increases*," seems counterintuitive to someone whose academic experience lies exclusively in the world of secular academia. The Torah, however, is studied in a Beit Midrash that inheres an intense environment of passionate study, often in the dyad format of *havruta* study. Two people, young or old, engage in reading and understanding a text together. Since they are different people, each with a unique perspective and experience, their interpretative perception is almost assuredly going to differ with that of the partner. One might think that, given the emphasis that our tradition places on manners, on respect for a fellow—especially for a parent and teacher—that intellectual fire would be stilled by reverent acquiescence. Yet, as any member of a serious Beit Midrash can attest, the opposite is the case. Indeed, the more revered the sage, the more likely the students are to challenge him in a nearly uninhibited, vociferous manner. This has the potential—at least to the outside observer—to create enmity between these study partners, with the intense frustration of the partner (or student—or teacher) to see what is obvious to the other. A casual observer would be surprised by this intensity. This can be cured by spending a few days in a Beit Midrash, engaging in study. If nothing else is gained (and much can be gained from every Beit Midrash session), this experience will make it clear that to a serious student of Torah, study is lifeblood and the intellectual battle over its truth, its meaning and its application to our lives is a fight "to the death," as it were—"take no survivors." What true study partners, even be they of inequal status, background and knowledge, find when they conclude their study session is that the intensity of this battle over the truth has, miraculously, brought them closer together.

In this article, I hope to explore this unusual phenomenon which has been a blessed reality of traditional Jewish scholarly life[1] for at least 1,500 years. It is my contention that in these contentious times, where political alliances are exclusive, where friendships and even families are threatened by party alliances and by demagogic positioning, the Western world has much to gain from learning about how *mahloket*—dispute—can be not only healthy but may be the source of a great blessing of healing these rifts.

Before doing so, I'd like to explore several modes of "unity" as proposed, sometimes urgently, both in the national political arena as well as in the religious world—where we call it *ahdut*.

Calls for unity usually come in three variations. I will term them "Unity of Compromise," "Unity of Emptiness," and "Unity of Resignation." No leader would propose a healing process using any of these monikers, but we will see that at the essence of each mode these descriptions are accurate.

Some call for unity by identifying the testiest areas of disagreement and trying to convince the two sides to remove that particular position from their platform. This is a valuable and laudable method in the political arena and is at the heart of most bipartisan attempts to pass legislation. It has proven to work—with two willing sides—but for legislative purposes only. In other words, it does nothing to bring the two sides together on the national (or local) scene in any meaningful way. In other words, this is a successful model for promoting the common good. However, on the social plane, it avoids the most critical issues which sit at the heart of the national divide.

The second type of unity is not of a legislative or political context and is usually found in social or religious settings. The idea proposed is that all sides agree to disabuse themselves of those positions and beliefs which are unique and opposed to by any of the other groups. This can be found in some of the large social movements of the last few decades, where anyone who wishes to participate must relinquish—at least publicly—any position or belief that is not acceptable to the rest of the group (or, more accurately, the leadership). An example of this is a group of Jews committed to the welfare of the State of Israel who agree to not bring religious sentiments into the discussion—thus allowing Orthodox and non-Orthodox to work together. These approaches are temporarily successful in meeting the needs of the organization but do nothing to bring people together in anything but a fragile and inherently temporary manner.

The third type of call for unity is what I term "Unity of Resignation." One position has become dominant in the given social or political group and its leaders try to prevail upon their ideological opponents to admit defeat, so to speak, and join the majority (to become a "supermajority"). This type of call is usually met with derisive opposition from the minority group, who is convinced that its relatively unpopular stance represents a non-negotiable truth. In those cases where the embattled few agree to join the broader group, if their iconoclastic positions have any merit, this abandonment can be viewed as a shame—or it may fester and cause further dissension within the newly broadened ranks of the majority. We have seen this happen with several political splinter groups which were corralled into one of the two major parties in the United States. The resentment felt among those who acquiesced inevitably finds its expression in internal strife and, in some cases, leads to a repeat of the original divide.

Note that in the observant Jewish world, each of these has been proposed in a call for the much needed *"ahdut"* (unity). Examples of each abound—usually a call for *ahdut* means that everyone should agree to follow the direction laid out by the one calling for such unity—in other words, a Unity of Resignation.

What all three of these methods have in common is not what they are but what they are *not*. In every case, the differences between the groups are ignored, avoided, or (theoretically) discarded. Practically, this may be the only way to get groups to work together, to march together or to vote

together. But it sidesteps the real issue that, I suggest, sits at the heart of our current social crisis—both in the United States and in Israel. Put simply, people are unable to tolerate, much less debate, those who hold opinions with which they disagree. Stereotyping, vilification, and shaming become the knee-jerk reaction to dissent.

But the Beit Midrash may hold a golden key to the current crisis of polarization. Entering the Beit Midrash is a glorious way to luxuriate in the passionate combativeness over the meaning of a common text, a common concept or common practice. I would like to take you into the Beit Midrash and see how the method of dispute can shine a salvific light on our current moment of dissent and division. But to do so would mean that the various players would have to agree that there is, indeed, a common text, a common concept or a common practice which is to be examined and to set some basic ground rules for how that analytic inquiry is to take place. This is, I believe, well within our reach once we admit that we are all interested in the same outcome—for instance, a society governed by norms of fairness, common human rights for all—but informed by an overall sense of morality. Numerous descriptions of the beauty of hard-fought disputes in the Academies of Yavne, Sura, Mainz, and Volozhin—to name just a few—have the potential to launch an era of passionate dispute and debate that can pit side against side as “enemies” but that ultimately will bring them together in a majestic “real” unity which embraces the whole person, dissent and all.

I would like to suggest that in spite of the vociferous and well-documented disputes between the schools of Shamai and Hillel in the first half of the first century, the type of healthy and nurturing disputatious academy environment was launched in the shadow of destruction, at Yavne.

One prefatory note. There is a well-known story, reported in B. *Berakhot* (27b–28a) as well as in Y. *Berakhot* (4:1) and *Taanit* (4:1) about the ouster of Rabban Gamliel and the installation of R. Elazar b. Azariah as head of the Sanhedrin. According to the report in the Bavli, the accommodation made with Rabban Gamliel after he was returned to a position of leadership, was that he and R. Elazar b. Azariah would split the leadership—one week a month for R. Elazar and three weeks to Rabban Gamliel. This background is vital for understanding not only an odd phrase at the beginning of the story, but also the entire thrust of the series of homilies presented by our protagonist, R. Elazar b. Azariah. The Yerushalmi’s conclusion, that each of them held leadership roles simultaneously, is an equally compelling backdrop to the story and its ultimate message.

The Tosefta (*Sotah* 7:8–11) shares the following rather long anecdote about that first generation of post-Hurban teaching:

> It so happened with Rabbi Yohanan ben Berokah and Rabbi Elazar ben Hisma, that they were traveling from Yavneh to Lod, [and they stopped] to pay a visit to Rabbi Yehoshua in Peki'in. Rabbi Yehoshua said to them, "What news do you have from the house of study today?" They said to him, "Rabbi, we are your students, and from your waters we drink." He said to them, "It is impossible that there nothing new was discussed in the house of study. Whose week was it? [2]" They said to him, "Rabbi Elazar ben Azariah." He said to them, "What did he discuss?"
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> a. They said to him, "[He discussed the commandment of *Hakhel*, to] 'Gather the people, the men, the women, and the little children'" (Deuteronomy 31:10–12). He said to them, "What did he expound about it?" They said to him, "He expounded thus: If men came to learn [and] women came to listen, why did the little children come? In order to bestow a reward upon those who brought them.
> b. And another thing that he expounded (Deuteronomy 26:17–18), 'You have declared today for Hashem [to be your God] ... [and] God has declared today for you [to be his treasured people].'

The Holy One Blessed be He said to Israel, just as you have made me your only object of love in this world, so too I will make you my only object of love in the World to Come."

c. And he (i.e., Rabbi Elazar ben Azariah) also expounded (Ecclesiastes 12:11), "The sayings of the wise are like goads, like nails fixed in prodding sticks. They were given by one Shepherd." Just as the goad directs the cow so as to bring life to the world, so too words of Torah are only life for the world, as it is said, “It is a tree of life . . .” [Proverbs 3:18]. Or, just as the goad is movable, might it be so for words of Torah? Scripture says, “And like nails firmly planted.” [Or, might (words of Torah like nails) neither diminish nor increase? Scripture says, “firmly planted.”] Just as a plant flourishes and grows, so too words of Torah flourish and grow. 'Masters of Assemblies' these are students of the wise that enter into multiple assemblies and declare what is impure [to be] impure, and what is pure [to be] pure; what is impure [to be] in its place and what is pure [to be] in its place. Perhaps it will arise in one's mind that since Beit Shammai [declares] impure and Beit Hillel [declares] pure, so-and-so prohibits and so-and-so permits, [Why] should I henceforth study Torah? Scripture teaches "words" "the words" "these are the words" [see Exodus 19:6–7] all of these words were given by "one Shepherd" [Ecclesiastes 12:11]. One God created them, one Benefactor gave them, the Master of all deeds, blessed be He, said them. Now make for your heart chambers within chambers and bring into it the words of Beit Shammai and the words of Beit Hillel, the words of those who declare impure and the words of those who declare pure. [After hearing what had been expounded in the house of study, Rabbi Yehoshua] said, "There is no generation that [can be considered] orphaned, if Rabbi Elazar ben Azariah dwells in its midst."

According to this report, Rabbi Elazar b. Azariah presented three homilies (marked “a,” “b” and “c” above), concluding with his charge to his audience to learn how to hear both sides of a dispute. This Tosefta is quoted in the Talmud Yerushalmi (*Sotah* 3:4; *Hagigah* 1:1) but only the first homily is brought; in *Avot d’Rabbi Natan* (version A, chapter 18), the middle homily is elided, but the adjuration to his audience is included. The Bavli (*Hagigah* 3a–b) has all three homilies in this sequence, with added supporting verses.

I would like to suggest that the entire story as recorded in the Tosefta, which is evidently the original report with all three homilies in sequence, provides a pedagogic and anthropo-theological weltanschauung that not only allows for dispute, but elevates it to a desired and potentially sanctified state of study.

It is prudent to note, before examining this text, that R. Elazar b. Azariah’s approach to dispute is not the only voice heard. R. Yossi is famous for his nostalgic and wistful recall of the day when there were no disputes—and lays the blame for the amplification and proliferation of Halakhic disputes at the feet of the students of Shamai and Hillel, “who did not serve their masters diligently” (i.e., did not apply themselves to their study with the requisite commitment and focus).[3] But that is as it should be—what would a position glorifying dispute mean if someone didn’t challenge it?

To put this series of *d’rashot* into their proper context, we must keep in mind that, per the report of the Bavli,[4] the newly inaugurated Beit Midrash at Yavneh was an exclusive academy. R. Gamliel, the Patriarch and undisputed (for a while) head of the *yeshiva*, maintained a policy of only allowing the finest and purest students to participate in the discussions and deliberations in the Beit Midrash. R. Elazar b. Azariah, according to the report in the Bavli, opened the doors and “popularized” the study of Torah. He engineered a revolution in which the *value*—not just the *toleration*—of dissent would play a central role.

Before examining the homilies, we ought to note that the setting for this conversation is already one of dispute. R. Yehoshua wants his students to share the new teachings that they undoubtedly heard in the Beit Midrash—but they protest that they have come to learn from him, their master. His insistence is rewarded, per the expanded report in B. *Hagigah* 3, with a "jewel" of a homily, that they had conspired to keep from him. In other words, the dispute itself led to greater intellectual wealth on his part. At the conclusion of the students' retelling, their master exclaims that this generation, which had every reason to feel abandoned and forlorn (having just experienced the destruction of Jerusalem, the loss of any semblance of sovereignty and the burning of the Mikdash), could not be considered an "orphaned generation" due to the personality of R. Elazar b. Azariah. Although this consoling coda may be read as expressing the extent of R. Yehoshua's regard for his younger colleague's rhetorical brilliance, I believe that this approbation reflects a more profound message which emerges from this series of homilies. And it is to those homilies that we now turn our attention.

The first homily is anchored in the commandment of *Hakhel* (Deuteronomy 31:10–13), wherein the entire nation is commanded to gather once every seven years on Sukkot, as they all come to be seen before God. While gathered, they are to hear the reading of (select sections from) the Torah. Note that the Torah identifies three distinct groups among the assembled—"men, women and children" and provides two related purposes—"in order that they may **hear** and they may **learn**" but the text continues with *what* they are to learn and *what* those lessons ought to lead to: "and will fear Hashem your God and will observe to fulfill all of this Torah." R. Elazar seems to pick up on the specificative wording of the text—"the men, the women, and the children" and matches that with the doubled goal "in order that they may hear and that they will learn" and understands that the text is directing us to what we, in our modern era, refer to as "differentiated learning." In other words, a single educational experience can operate simultaneously in various modes and on various levels in order to meet the pedagogic needs of all of the target audience.

The use of *Hakhel* as the inspiration for his homily speaks to his programmatic upheaval in the tenor of the Beit Midrash. For anyone who has come into the newly opened study hall, who was not welcome before this due to their lack of experience (or other limitations), must be struck by the theme of the great rabbi's talk. Everyone must gather, and there will be a modality for each that will allow young and old, experienced and neophyte, to participate in the exciting life of this newly revamped Beit Midrash.

Note that his explanation of the value of bringing little children—"to give reward to those who bring them" suffers from reification. If the only reason that the Torah commanded parents to bring their children was to give those parents a reward for following this command, this all begs the question, and we are still left wondering what the reason behind the command is. (After all, if the reason for the command is *merely* to give them a reward for fulfilling it, any random act could have been commanded with the same outcome). I'd like to suggest that *latet sakhar le-mevi'eihem* should not be seen as a purely technical explanation. Rather, the parents indeed are rewarded by exposing their children—from their earliest days—to the environment of the Beit Midrash. Knowing that they always can find a home there and gaining a nearly inborn familiarity with the air of learning and inquiry is itself a great guarantor to their richer future as denizens of the Academy.[5] This observation also increases the types of value that the Beit Midrash can confer on its participants. The men come to study—i.e., to engage in the exchange of information. The women come to hear, to gain from the experiential and spiritual benefits that the Beit Midrash offers.[6] The children come and at whatever age they are not yet ready for either of these, are enriched by "just being there."

Thus, R. Elazar b. Azariah's first homily serves as a welcome to all those assembled to join in the exhilarating experience of this newly fully opened academy.

A priori, it is difficult to see the connection between the *Hakhel* lesson and the one that follows. R. Elazar expounded on a difficult word which appears twice in sequential verses: *he'emarta/he'eimirkha*. The simplest reading of this word is "to raise up"[7]—to wit, "you have raised up Hashem today, to be your God…and Hashem has raised you up today to be His treasured nation…." For homiletic purposes, however, the master reads that *hapax legomenon* (it only appears in this form in these two related verses) as a form of *amar*—say. He interprets the verse as "You have declared regarding Hashem…and Hashem has declared regarding you." He then goes on to read a symbiotic pair of declarations—that just as we declare God's unity in this world, so does God affirm our unity. The expanded version of the Baraita in BT Hagigah adds markers for each. We declare God to be one when we vocalize the "*Shema Yisrael…*" and He affirms our unity (or uniqueness) when He states "*Mi ke-amkha Yisrael, goy ehad ba-aretz"*—"who is like Your people, Yisrael, a singular nation in the land."[8]

I'd like to suggest that this second homily is part of a larger argument that R. Elazar is formulating. We affirm that God, despite the multitudinous and differentiated manifestations of His power and grace that we experience, is One. The thunder, the gentle rain, the sunset and the sunrise are distinct phenomena. Yet we see in those distinct miracles One God, understood as all the more glorious for His multi-faceted modes of interaction with His world. In the same way, the master teaches us, the unity of the Jewish people, not *in spite of* but *on account of* the many differences that distinguish us from each other, is worthy of God's affirmation.

At this point, the essential message which the new "Rosh Yeshiva" is formulating is not yet apparent. The final homily will bring that home.

This odd verse towards the end of Kohelet (12:11) reads: "The words of the wise are like goads, and like nails firmly fixed are the collected sayings; they are given by one shepherd" (ESV).

This reading, like any of the other versions, is cryptic. However, we might work with the *peshat*, R. Elazar b. Azariah uses these disparate descriptors of the Law to put the final prong in his argument.

The words of the wise are compared to a painful instrument, used to goad the cattle in their work, to plow the field, which enables planting, reaping, and…eating. As such, the counsel of the sages, while painful (?) are the necessary vehicle for sustaining life.

But these words are not, like a cattle prod, something light that can be used or disposed of—they are "like nails"—firmly planted. In other words, the teaching of the sages have a fixed property and are reliable and, essentially, eternal.

Yet, the comparison to "nails" implies not only a fixedness, but also a rigidity and an inherent limitation of growth. To that end, he reads the word *netu'im*—which is contextually translated as "fixed," as the opposite—"planted," implying something that grows, develops and, again, nurtures. The metaphor is not only wildly mixed, it also presents seemingly contradictory messages about the words of the Sages—they are fixed and firm, yet they have the organic ability to grow and develop. At this point in his *derashah*, R. Elazar shifts his interpretative scheme from the words of Torah to those self-same sages whose words are the focus of the verse—and the homily. In *peshat*, we may read *ba'alei asuppot* as a synonym for *divrei hakhamim*—the words of the wise. But in his *derashah*, he reads it as a unique descriptor of the wise men themselves—the sages of this newly (re-)opened communal Beit Midrash. They are the rabbis and their students who gather there and discuss and debate the law, coming to diametrically opposed conclusions—"pure" vs. "impure," "owing" vs. "exempt," "permitted" vs. "prohibited." This is where the larger program of his *derashah* becomes evident. He turns directly to his audience, those who until Rabban Gamliel was ousted, were not privy

to these exciting and confusing debates:

> Perhaps it will arise in one's mind that since Beit Shammai [declares] impure and Beit Hillel[9] [declares] pure, so-and-so prohibits and so-and-so permits, [Why] should I henceforth study Torah?[10]

He is addressing the understandable confusion that anyone who is uninitiated in the ways of the Beit Midrash would feel when first encountering the spirited, passionate and intellectually dizzying arguments pro and con on an infinitely broad range of issues. This new audience is adjured to:

> Now make for your heart chambers within chambers and bring into it the words of Beit Shammai and the words of Beit Hillel, the words of those who declare impure and the words of those who declare pure.

Or, in the words of the Bavli tradition of this homily:

> So too, you (the student), make your ears like a funnel and acquire for yourself an understanding heart to hear both the statements of those who render objects ritually impure and the statements of those who render them pure; the statements of those who prohibit actions and the statements of those who permit them; the statements of those who deem items invalid and the statements of those who deem them valid. (B. *Hagigah* 3b)

And he anchors his argument in the end of the verse: *nittenu me-ro'eh ehad*—given by one shepherd. One God gave us the Torah, one shepherd (Moshe) taught it to us. In other words, the Law, in its essence, is a pure light, radiating Divine knowledge which, by definition, must be unitary and of a single truth. Yet, as happens when pure light is refracted through a prism, it becomes differentiated and takes on the appearance of various colors and shades, at odds with each other. Behind the opinion of Beit Shammai is the same essential light as informs Beit Hillel. It is the student's job to hear the opposing opinions and applications - the refractions of that light—and to learn how to recognize the validity of each side and, ultimately, to discover the unified light which informs it all.

We can now revisit the entire homily and detect a deeper message, one which not only empowers the new students and provides some initiative guidance for them in the ways of the Beit Midrash but makes a larger point about the inherent value of dispute and of the opening of those hallowed doors.

R. Elazar b. Azariah, presenting his new public policy platform, begins by invoking the great gathering of all—men, women and children—to the central place of worship as a valuable addendum to the pilgrimage festival of Sukkot. At that gathering, when all of the people have come to appear before God and to be seen by Him, part of that monumental event is the public reading of the

Torah—the source of that great light—at which a deliberately differentiated audience participates, each in his or her own way. He underscores even the value of "just being there," for the infants and the great reward that that brings to the parents.

He continues by highlighting the reciprocal and—if it can be said—symbiotic relationship between the Jewish people and God, each with infinite expressions yet all anchored in a singularity and Oneness. His *derashah* may be understood on a deeper plane. Not only is there a parallel between these "Ones"—but it is the task of Yisrael to reflect, through their ultimate unity, the Unity of God.

R. Elazar's denouement is the hard-hitting description of the disputatious nature of the study of the Law and the opportunity and obligation that all must enter into the Beit Midrash, to accept the nature of the Law as arguable and to discover the intellectual ability to wrestle with both sides of an issue. This is not only an invitation, but also an exhortation. Now that the Beit Midrash doors have been flung wide open, no one has an excuse to avoid engagement. And that engagement takes place at the transformed "place where Hashem chooses to place His Name"—and it is here, right here, that we hear the historic calling to create a society that will reflect, in its unity of purpose arising from the passionate disagreements about how to achieve that unity, the Unity of God.

We live in highly disputatious times. We have seen friendship, work relationships and even families broken apart over severe differences in opinion. If society around us can take a clue from this great homily—one which gave the aged R. Yehoshua comfort that the generation after the destruction was, indeed, not orphaned—we may be able to go back to basics. We can start with what we agree on and then, vociferously and passionately, disagree about *how to get there*. If we keep the bigger picture not only in mind, but also as part of the conversation, we can end up as greater friends and co-seekers:

> Even a father and his son, a teacher and his student, who are studying Torah together in one gate, become enemies to each other but do not leave there until they love each other.

Notes

[1] I do not mean to include the Academy in this. Although so much great teaching, insights, novel understandings have emanated from the Academic Jewish world, it has rarely been able to catch the "fire of Torah study" that rests at the core of this experience and our discussion.

[2] This refers to the accommodation reached to allow Rabban Gamliel to rejoin the leadership after his ouster in favor of R. Elazar b. Azariah. See B. *Berakhot* 28a.

[3] *Tosefta Hagigah* 2:9.

[4] I am not concerned with the historicity of the story of R. Gamliel's ouster and the installation of R. Elazar b. Azariah [see Menachem Ben Shalom. "The Story of the Deposition of Raban Gamliel and the Historical Reality." *Zion* vol. 66/3 (2001) pp. 345–370]. The story's popularity in both Babylonian and Eretz Yisrael traditions is testimony to the values implied herein.

[5] One is reminded of the story of R. Yehoshua whose mother brought him to the Beit Midrash in his crib "so that his ears would cleave to the words of Torah"—Y. *Yevamot* 1:6.

[6] It goes without saying—but needs to be said—that these categories are not hard and fast and there are certainly adult men whose chief gain from their exposure to the Beit Midrash is inspirational, while there are most certainly many women (and, thank God, a growing number of them) who can and heartily do engage in the exchange of information and ideas—who "come to learn."

[7] See, *inter alia*, the last suggestion of B'khor Shor at Deuteronomy 26:18–19 and Ibn Ezra at verses 17–18.

[8] II Samuel 7:22 (=I Chronicles 17:21).

[9] Note that he deliberately references the famous schools of Shammai and Hillel, who are the famous disputants of the immediately previous generation to Yavneh—but who are, by that time, a firm part of the past.

[10]In B. *Hagigah*: "Lest a person say: Now, how can I study Torah?"