

## *Contents*

Acknowledgments ix

Introduction: Arguing for  
the Sake of Heaven xi

### PART ONE: BIBLICAL JUDAISM

- 1 Abraham and God: The First  
Jewish Debate over Justice 3
- 2 Moses and Korah: The Debate  
over Holiness and Authority 11
- 3 The Five Daughters and the Twelve  
Tribes: The Debate over Inclusion 21
- 4 David and Nathan: The Debate over  
Accountability and Morality 29

PART TWO: RABBINIC JUDAISM

- 5 Ben Zakkai and the Zealots: The Debate over Resistance 39
- 6 Hillel and Shammai: The Debate over Jewish Law 47
- 7 The Vilna Gaon and the Baal Shem Tov: The Debate over Spirituality 57

PART THREE: MODERN JUDAISM

- 8 Spinoza and the Amsterdam Rabbis: The Debate over Boundaries 67
- 9 Geiger and Hirsch and Frankel: The Debate over Evolution in Religion 79
- 10 Herzl and Wise: The Debate over Zionism 87

Afterword 95

Notes 97

Room for Debate: Questions for Reflection and Discussion 99

Further Debate: Recommended Reading 103

## *Introduction*

### Arguing for the Sake of Heaven

*“Every debate that is for the sake of heaven  
will make a lasting contribution.  
Every debate that is not for the sake of heaven  
will not make a lasting contribution.”*

TALMUD, AVOT 5:20

Judaism not only maintains a great respect for debate; one could readily argue that debate is central to its religious expression.

According to the Torah, Abraham is involved in a great debate . . . with God. Moses has a serious argument with his own cousin. Five daughters of a deceased Israelite challenge their tribal leaders. King David is confronted by one of his closest advisors.

The Talmud is replete with debate. Indeed, it coins an important expression: *makhloket l'shem shamayim* (an argument for the sake of heaven), which remains a key tenant of Jewish thinking. Our sages understood that a debate for the right reasons enhances Judaism. A debate for the wrong reasons detracts from Judaism.

The importance and worthiness of a good debate is illustrated in a well-known passage about the students of the famous rabbis Hillel and Shammai:

*For three years there was a dispute between Beit Hillel and Beit Shammai, the former asserting, the law is in agreement with our views, and*

*the latter contending the law is in agreement with our views. Then a voice from heaven announced: eilu v'eilu divrei elohim hayim, both are the words of the living God . . . but the law is in agreement with the ruling of Beit Hillel. (Talmud, Eruvin 13b)*

The first of two crucial points that emerge from this critical teaching is the deep respect for differing opinions. Hillel and Shammai represent two opposing schools of thought. Throughout the Talmud, these sages and their students can be found sparring with each other. Yet “both are the words of the living God,” because both sides are speaking the truth as they see it, and have the welfare of the community in mind.

The second crucial point is the courage to act. Respect for differing viewpoints did not inhibit the sages from deciding important matters. A majority ruled in favor of Beit Hillel, and that became the law. Our ancestors rallied around these communal decisions time and again. The followers of Shammai were not necessarily happy that in this instance (and most of the time) Beit Hillel (the House of Hillel) won and Beit Shammai (the House of Shammai) lost. Yet both the majority and minority understood that everybody won, in the sense that the debate was fair and the decision-making process honorable.

The esteemed nineteenth-century German rabbi Samson Raphael Hirsch sums up the value of worthy debate:

*When in a controversy both parties are guided by pure motives and seek noble ends . . . and when both parties seek solely to find the truth, then, of course . . . only one of the two opposing views can and will prevail in practice.*

*But actually, both views will have permanent value because, through the arguments each side has presented, both parties will have served to shed new light on the issue under debate, and will have contributed to the attainment of the proper understanding of the question discussed.*

*They shall be remembered as . . . advancing the cause of the genuine knowledge of truth.<sup>1</sup>*

The value bestowed upon worthy debate is affirmed in similar fashion, but with a mystical bent, in the teaching of a famed Hasidic sage.

Rabbi Nachman of Bratslav explains that debate is a holy form of communication. The holiness is derived from the way debate echoes the divine process of *tzimtzum*, making space for the creation of something new. Just as God entered into an act of self-limitation in order to make possible the created world, so debaters restrain themselves in order to make room for opposing viewpoints. As Rabbi Or Rose comments on the Bratslaver:

*When we disagree with one another, when we take sides, we create the necessary space for the emergence of new and unexpected ideas. Without makhloket . . . the horizon of human discovery would be severely limited.<sup>2</sup>*

Debate is more than a valued intellectual exercise in Judaism. In echoing the divine process of creation, it is a holy act.

#### EVEN GOD LOVES A GOOD DEBATE

A classic talmudic story involves a debate between Rabbi Eliezer ben Hyrcanus and several of his fellow sages. The specific topic of the debate is not earth shattering: whether the oven of a man named Aknai is considered ritually clean or not. While the tale is recorded in folkloric terms that are often fanciful and humorous, the larger issue of who has the right to decide *halakhah* (traditional Jewish law) is indeed weighty:

*It has been taught: On that day Rabbi Eliezer brought forward every imaginable argument [that the oven was ritually clean], but the sages did not accept them.*

*Rabbi Eliezer said to them: "If the halakhah agrees with me, let this carob tree prove it!" Thereupon the carob tree was torn a hundred cubits out of its place — others say four hundred cubits.*

*"No proof can be brought from a carob tree," the sages replied.*

*Again he said to them: "If the halakhah agrees with me, let this stream of water prove it!" Whereupon the stream of water flowed backward.*

*“No proof can be brought from a stream of water,” they replied.*

*Again he said to them: “If the halakhah agrees with me, let the walls of this schoolhouse prove it!” Whereupon the walls of the schoolhouse inclined toward falling.*

*But Rabbi Joshua rebuked all of them saying: “When scholars are engaged in a debate of Jewish law, what right have you to interfere?”*

*So the walls did not fall, in honor of Rabbi Joshua, nor did they resume the upright position, in honor of Rabbi Eliezer. They are still standing tilted.*

*Again he said to them: “If the halakhah agrees with me, let it be proved from Heaven!”*

*Whereupon a voice from Heaven cried out: “Why do you debate with Rabbi Eliezer, seeing that the halakhah agrees with him every time?”*

*Rabbi Joshua then arose and exclaimed: “The answer is not from Heaven!”*

The debate concludes on the defiant note of Rabbi Joshua that not even God has the right to interfere in a rabbinic debate on a matter of religious law!

Yet this is not quite the end of the story. One of the sages goes on explain that the Torah itself gives people the right to debate and decide matters of Jewish law by majority vote. The rabbi cites a verse from Exodus (23:2) with the expression *“follow the majority”* to prove the matter. A close look at the original context of the quote doesn't necessarily prove anything. This almost seems to be beside the point, however, when one considers the remarkable continuation of the text:

*What did the Holy One, blessed be He, do in that hour [after the debate]? God laughed [with joy] and replied, “My sons have defeated Me, My sons have defeated Me!” (Talmud Baba Matzia 59b)*

Our sages intended this tale as a powerful affirmation of our right to think and argue for ourselves. The story's addendum goes even further by suggesting that God loves and honors a good debate. We may interpret these dramatic words as additional testimony to the rabbinic concept of debate as holy act.

And even here the story is not finished, as is so often the case in the Talmud. A disquieting denouement, rarely cited, is tacked on to the narrative. The postscript is itself open to debate, but in the minds of most interpreters it is understood to affirm the central point.

According to the text, Rabbi Eliezer is harshly disciplined by his fellow sages for his dissent from the majority, and is excommunicated by his peers. The esteemed Rabbi Akiva is sent to deliver the edict as humanely as possible. Yet Rabbi Eliezer is personally devastated. A series of natural calamities ensues, afflicting all the community, in apparent punishment to the sages for rebuking their colleague and his right to dissent. Even Rabbi Gamliel, head of the Sanhedrin and Eliezer's own brother-in-law, is struck down and eventually dies for his role in the matter.

The tragic denouement, so different in tone from the main story, is apparently a cautionary postscript about the consequences of intolerance. The sages did not take kindly to the legitimate but incessant dissent of one of their own and tried to stifle it. They should have known better. As Rabbi Clifford Librach understands the morale of the story: "*Woe to those who squelch or discipline the articulation of nonconformity. . . . Dissent is the blood of Judaism.*"<sup>23</sup>

#### JUDAISM'S GREAT DEBATES

Great debates in Judaism continued long past the days of the Torah and Talmud. The preeminent sage of the medieval era, Maimonides, was contradicted by another giant of the times, Nachmanides. The legendary founder of Hasidic Judaism, the Baal Shem Tov, was castigated by the leading jurist of the day, the Vilna Gaon. Baruch Spinoza engaged in a dramatic argument with the leaders of his community in Amsterdam and was excommunicated. In the 19th century new expressions of Judaism, Reform and Conservative, arose amid strident debate. Even Theodor Herzl's attempt to establish a new homeland for the Jewish people in Israel was met with severe ideological opposition.

Echoes of the great debates in Judaism resound in our world today.

Religion tackles the big questions in life; the great debates wrestle with what we believe and how we act. This book presents ten debates, by no means exhaustive of all the great controversies, but largely representative of three categories of concern: political (how we govern), ethical (how we decide what is right), and spiritual (how we understand God and religion).

Judaism as a religion has been inseparable from the Jewish people and the Land of Israel. For significant parts of its history Judaism has wrestled with questions related to national sovereignty, such as: *Who should be in charge?* (chapter 1), *To fight the enemy or accommodate?* (chapter 5), *To rebuild a Jewish state or not?* (chapter 10). These questions remain of interest to Jews who are both citizens of modern Israel and of democracies that solicit their participation.

Questions of morality and ethical action are central to Jewish debate from its beginning. These questions may emerge in biblical times, from Abraham: *Should we listen to our conscience?* (chapter 1), to the Prophets: *Is the leader always right?* (chapter 4), to a dispute among the Twelve Tribes: *Should women have equal rights?* (chapter 3). Yet all these questions continue to be debated today.

Spiritual and ritual questions have likewise been central to Jewish debate through the ages: *Who should determine Jewish law?* (chapter 6), *What are the boundaries of Judaism?* (chapter 8), *Does Judaism change and evolve?* (chapter 9), *Should I engage my mind or heart?* (chapter 7).

When assessing the significance of these debates I have found it useful to carefully consider three issues: *context*, *content*, and *continuity*.

**CONTEXT:** Each of these debates arises within a specific set of historical circumstances, and each involves unique personalities. At the beginning of every chapter I attempt to convey the basic historical backdrop so that we can fully understand the ensuing debate. Who is debating, and why? I add a touch of bibliographic background to identify the personalities involved in the debates.

**CONTENT:** I preserve the debate, whenever possible, by using the actual words of the debaters, gleaned from primary sources. However, I employ poetic license to fill in the gaps, indicated by a change



in typeface. In some cases we know that the debaters never met in person, but rather conducted their debate through correspondence or among disciples. For dramatic effect I recreate the debate as a direct confrontation.

From our study of history and psychology we realize that communication often conveys more than one level of meaning at a time. An argument may have an explicit agenda as well as a hidden, or deeper, purpose. When analyzing debates I have found it worthwhile to pose two questions: What is this debate about? What is this debate *really* about? Examining how the verdict of the debate addresses these two questions gives us a greater appreciation of its significance.

CONTINUITY: Each of these debates was important in its time. Most had an immediate impact that altered the course of events in their day. The determination of their ultimate significance, however, (and why I consider them great debates) is how they echo throughout Jewish history. In the last section of each chapter I consider each debate's legacy.

The subject of debate is dear to my heart. In high school, my primary extracurricular activity was tournament debate. In college and seminary I gained an appreciation of rabbinical debate in the classical sources of Judaism. As I was writing this book, and teaching its chapters to adults and youth, people instantly warmed to the subject and often exclaimed, "Of course, Judaism is all about debate." Yes, indeed it is!

# 1

## *Abraham and God*

*“Where’s Your Conscience?”*

The First Jewish Debate over Justice

*Will You sweep away the innocent along with the guilty?*

*Shall not the Judge of all the earth deal justly?*

ABRAHAM, GENESIS 18:22, 25

### THE ENIGMA OF ABRAHAM

We call him *Avraham Avinu*, Abraham our Father. He is venerated by the three monotheistic religions of Western Civilization — Judaism, Christianity and Islam — as the spiritual father of their faith. He is chosen (or chooses) to undertake an epic journey in response to the terms of a covenant with God. That covenant promises progeny, land, and blessing.

Yet there is little in the biblical text to indicate that Abraham will challenge so boldly the God who commands his life so thoroughly. In response to the call to “*Go forth from your native land and from your father’s house*” (Genesis 12:1), Abraham, with seemingly no hesitation, uproots home and family and “*went forth as the Lord commanded him*” (Genesis 12:4). He continues each step of his momentous journey with minimal reaction, perhaps in response to continued expressions of divine reassurance. He accepts God’s directive to circumcise himself and all the males in his household, no questions asked. Most astonishingly, Abraham submits to God’s excruciating command to sacrifice his beloved son Isaac with nary a word of objection.

So it comes as something of a shock that the patriarch of unquestioning faith steps forward to challenge God when he learns of the divine intention to destroy the wicked cities of Sodom and Gomorrah:

*Now the Lord said, "Shall I hide from Abraham what I am about to do . . . ? Then the Lord said, "The outrage of Sodom and Gomorrah is so great, and their sin so grave. I will go down to see whether they have acted according to the outcry that has come to Me; if not, I will take note." (Genesis 18:17–21)*

Then quite suddenly "*Abraham came forward*" (Genesis 18:23) and dares God to morally justify the collective punishment of the innocent with the guilty!

## The Great Debate

Here is the debate between Abraham and God as portrayed in Genesis 18:22–32:

ABRAHAM: *Will You sweep away the innocent along with the guilty? What if there should be fifty innocent within the city: will You then wipe out the place and not forgive it for the sake of the innocent fifty who are in it? Far be it from you to do such a thing, to bring death upon the innocent as well as the guilty, so that innocent and guilty fare alike. Far be it from You! Shall not the Judge of all the earth deal justly?*

GOD: *If I find within the city of Sodom fifty innocent ones, I will forgive the whole place for their sake.*

ABRAHAM: *Here I venture to speak to my Lord, I who am but dust and ashes: What if the fifty innocent should lack five? Will you destroy the whole city for want of the five?*

GOD: *I will not destroy if I find forty-five there.*

ABRAHAM: *What if forty should be found there?*

GOD: *I will not do it, for the sake of the forty.*

ABRAHAM: *Let not my Lord be angry if I go on: What if thirty should be found there?*

GOD: *I will not do it if I find thirty there.*

ABRAHAM: *I venture again to speak to my Lord: What if twenty should be found there?*

GOD?: *I will not destroy it, for the sake of the twenty.*

ABRAHAM: *Let not my Lord be angry if I speak but this last time: What if ten should be found there?*

GOD: *I will not destroy, for the sake of the ten.*

## GOD AND THE ETHICS OF COLLECTIVE PUNISHMENT

Abraham's dramatic dialogue with God is all the more remarkable for the moral challenge that frames the entire conversation. Abraham's bold pursuit of justice before God is posed right at the outset, with the piercing question: "*Will you sweep away the innocent with the guilty?*" Before God can even reply Abraham proceeds to answer the question! In good debate fashion Abraham seeks to define the terms of the dispute. He assumes as a given that God acts according to a moral code that distinguishes between innocent and guilty, with only the latter punished for their acts. Abraham moves right on to the question of how many innocent people would allow the city of Sodom to be spared.

The fact that God enters into and continues the dialogue with Abraham on his terms seems to indicate that God accepts Abraham's argument that it is wrong to punish the innocent with the guilty. But the question remains: how many innocent individuals would it take to spare an entire city? With every deferential question (another wise tactic against a more powerful opponent) Abraham lowers the number. For some reason, Abraham stops arguing at ten innocent people.

Even though the debate appears to be cut short, Abraham has made his point. Yet tragically, soon after the debate the Torah records that cities of Sodom and Gomorrah were destroyed. Did God uphold the terms of the debate? Were less than ten innocent people to be found? If Abraham's intention was to save the cities from destruction he failed. If his intention was to give God pause, to make God think twice as it were, he may have succeeded.

This debate, then, ends in questions. The abrupt and truncated conclusion shifts the enigma of Abraham to the enigma of God: "*When the Lord had finished speaking to Abraham, He departed; and Abraham returned to his place*" (Genesis 18:33). Does the judge of all the earth in fact act justly?

## THE CALL OF CONSCIENCE

Some years ago there was a popular television commercial that featured an individual about to evade moral responsibility, but then a voice calls out, "This is your conscience, Joe."

The debate between Abraham and God, on a deeper level, is about the importance of speaking up and challenging authority when your conscience calls. Abraham was clearly disturbed by what God revealed to him. To its credit, the Torah establishes through this debate that for the sake of justice even God can be questioned.

Abraham could easily have chosen to look the other way. Instead he decides to take a stand against God, who is at once both a formidable opponent and his guide and protector. In the process of doing so, Abraham exemplifies a great commandment that appears later in the Torah, the responsibility to take action in the face of injustice: "*Do not stand idly by the blood of your neighbor*" (Leviticus 19:16).

In the words of psychologist and Torah teacher Naomi Rosenblatt, this story is about "*the power of one man of integrity to be the conscience of the world.*" Abraham's conscience does not allow him to keep silent. His tone is respectful, but his questioning is unrelenting. Abraham did not know the people he was trying to save. He is not even arguing that the majority are innocent or that their sins are forgivable. Rather, he is questioning a rush to judgment that may rob individual human beings of their right to just treatment.

Some commentators have seen this debate as yet another in a series of tests of Abraham's character. God chooses to disclose His own intentions to Abraham in order to see how Abraham responds. In this regard, Abraham wins because he came to the defense of the innocent even as he loses the fight to save the cities. Abraham passes the character test by standing his moral ground while maintaining his relationship with his creator. In the words of Holocaust survivor and Nobel Prize-winning humanitarian Elie Wiesel:

*To be a Jew means to serve God by espousing man's cause, to plead for man while recognizing his need of God. And to opt for the Creator*

*and His creation, refusing to pit one against the other. Of course man must interrogate God, as did Abraham; articulate his anger, as did Moses; shout his sorrow, as did Job. But only the Jew opts for Abraham-who-questions and for God-who-is-questioned. . . . Only the Jew knows that he may oppose God as long as he does so in defense of His creation.<sup>1</sup>*

#### ABRAHAM'S LEGACY: HOLY HUTZPAH

Abraham's bold challenge of God for the sake of justice was the first Jewish debate. Generations would look back at the founder of the Jewish people and follow his example. If Abraham argued, so should we. If Abraham had the courage to challenge God, so should we. If Abraham stood up for justice, so should we.

The Talmud coined an expression for challenging God in the spirit of Abraham: *hutzpah k'lapei shemaya* (boldness, or nerviness, against heaven). A glimpse of this attitude is seen in Moses, who defends his people against the excesses of God's wrath and warns God not to endanger His reputation. This "holy hutzpah" is especially evident in the prayers and stories of the Eastern European Hasidic tradition. Two remarkable examples come from Rabbi Levi Yitzhak of Berditchev.

In the first, the Rebbe, although deferential like Abraham, is ready to litigate against God to end the suffering and exile of the Jewish people:

*I come to You with a lawsuit from Your people Israel.  
What do you want of your people Israel?  
From my stand I will not waver,  
And from my place I shall not move  
Until there be an end to this Exile.  
Yisgadal v'yiskadash shmei raboh —  
Magnified and sanctified is only Thy name.*

In the second example a story is told of a simple tailor who argues with God on Yom Kippur. The tailor exclaims:

*You wish me to repent of my sins but I have committed only minor offenses. I may have kept leftover cloth, or I may have eaten in a non-Jewish home, where I worked, without washing my hands. But you O Lord have committed grievous sins. You have taken away babies from their mothers and mothers from their babies. Let us be even. You forgive me, and I will forgive You.*

Rabbi Levi Yitzhak replied: “*Why did you let God off so easily? You might have forced God to save all of Israel!*”<sup>2</sup>

#### THE HAUNTING QUESTIONS

The legacy of Judaism’s first great debate is both the challenge to God and to our own conscience. Abraham compels us to confront the call of conscience in general and the dilemma of collective punishment in particular. An otherwise obedient and passive Abraham may have been roused to action by the enormity of the injustice that he feared would be perpetrated on a civilian population.

The most excruciating example of collective punishment in our time is the dropping of the atomic bomb on Japan in the hope of ending the Second World War. A brief description in a New Orleans museum of the U.S. bombing expresses the dimension of the dilemma:

*On March 9–10, 1945, bombs incinerated 16 square miles and killed 100,000 civilians. In April, bombs destroyed 180 square miles, killed 300,000 people, and left 8.5 million people homeless. Throughout the war, the United States resisted bombing civilian areas. But with time, attitudes hardened. What once was unthinkable became a deliberate policy.*<sup>3</sup>

The issue of noncombatant immunity and proportionality, subsets of the ethical issue of collective punishment during wartime, continue to bedevil armies and governments. The bombing of Hiroshima and Nagasaki elicit emotional and disparate reactions to this day. Even the wording of museum descriptions and historical texts, such as the



example cited above, have been the subject of public controversy. The atomic bombings caused horrific death and damage. And yet many veterans in particular argue that the bombings, by forcing the surrender of Japan and forestalling a ground invasion of that country, saved perhaps a million allied soldiers' lives.

In an age when terrorists hide behind the cover of civilian populations the issue has taken on new aspects. For example, Israel is regularly accused of using disproportionate means of defense, even as it is the subject of repeated attacks. The distinction between civilian and soldier is even subject to debate: at what point does aiding and abetting terrorists change the status of a bystander?

Abraham's questions, "*Will you sweep away the innocent along with guilty?*" and "*Shall not the Judge of all the earth deal justly?*" continue to haunt us.