

18 / 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 "seal" or the climax of the priestly blessings: "and give thee peace" (Nu. 6:26).

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 and have always 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. One might add, that just as the variety in physiognomy adds to the aesthetics of living, so does the variety in opinion add to its intellectual stimulation and excitement.

Furthermore, controversy should not always disturb us. The great Maggid of Mezerich, 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 fifth chapter of *Avot*, they said the following:

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 (Nu. 16).

The Rabbis thus considered controversy as sometimes advisable and of enduring value, and sometimes as destructive and to be shunned. In that case, the whole matter of dispute and contentiousness bears closer analysis, and we must learn to determine when it is right and when it is wrong. We are dealing with *the ethics of controversy*. 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 Halakha. Normally we decide the Halakha according to Hillel, and only in very few cases does the decision lie with Shammai.

Now, the Mishnah (*Eldayot*, Chap. I) asks: Why is it necessary to mention the opinion of either Shammai or Hillel when that particular view is declared non-acceptable, and the Halakha 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: "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."

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 faulty and that of his opponent was more substantial, 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 dispute "for the sake of Heaven," an 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 "for the sake of Heaven." When is a dissenting view truly motivated by such high ideals, and when is it informed by ulterior and selfish motives? Unfortunately, that is very hard to determine. Although no expert in the history of human controversy, I should be astonished 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 the secular analogue of "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 "the sake of Heaven." 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 the only reason I want it is "for the sake of Heaven" . . .

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 (*Massei Harbenu*), 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. It 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"). The passage should be read as follows: how do we know if an argument is truly "for the sake of Heaven?" — if its "end" (purpose) is endurance and survival ("it will endure"). An argument is "for the sake of Heaven" when it strives to perpetuate the institution or ideal or principle which is in dispute.

When Hillel and Shammai argue about a specific *halakhab*, that is a "controversy for the sake of Heaven," because each genuinely desires the perpetuation of Halakhab 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 "for the sake of Heaven."

If Democrats and Republicans, or Conservatives and Liberals, argue about the nature of the American Government, then it is, in civic terms, a "controversy for the sake of Heaven," because both wish the same "end": the survival and safety of the republic. When Administration and students argue about the nature of the university, then no matter how violent the confrontation, it is "for the sake of Heaven" 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 a dispute so that "in the end it will endure," and therefore not a "controversy for the sake of Heaven."

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 "for the sake of Heaven," 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 in theory—"in the end it will endure," 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 last.

What difference does it make if an opinion remains valid theoretically, if in practice we do not act on it? It is this: 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 Talmudic statement that when Hillel and Shammai were engaged in their debates, a Heavenly Voice issued forth and proclaimed: "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 opinions of Shammai, he would halakhically fulfill the commandment of the study of Torah to the same degree as a man who studies only the opinions of Hillel which are accepted as *halakhab*.

In a remarkable passage, the Zohar asserts that whereas in our times we accept the opinions of Hillel over Shammai, nevertheless, in the future, after the Messiah, the decisions will change, and the opinions of Shammai will prevail as *halakhab*. This is precisely what the Mishnah meant: "Every controversy which is for the sake of Heaven, in the end it will endure." An opinion may not be accepted in practice, but if it is "for the sake of Heaven," it endures, it retains its very sanctity, and its survival is secured.

Now this does not hold true for all controversies, but only those which are "for the sake of Heaven." The disagreement, for instance, between those who are true to the full Torah tradition, and those who deny the validity of Torah in modern times, is not to be included in this category. To apply to such disputes the facile sleight of hand of quoting the passage, "both these and these are the words of the Living God," is intellectually dishonest. The words of those who deny the Torah of the Living God, cannot be attributed to Him. However, if Torah is accepted as divinely revealed and as binding, but there is disagreement as to how it should be understood and be effected, such as the dispute between the Hasidim and the Mitnagdim, then both opinions endure, and we may choose a different answer for different circumstances. Or, the dispute between those who insist that Jewish education should consist of "Torah only," against those who follow some version of the *Torah im Derekh Eretz* school, Torah with general culture — this too is a "controversy for the sake of Heaven," and of this too we may say, "in the end it will endure." There are places and times when we may opt for one answer, and places and times when another solution commends itself. Although immediately, for the present, we may accept only one view, the other nevertheless remains a viable and living option, ready for adoption when the times permit.

These observations are, of course, but the beginning of a framework for the ethics of controversy. It is important to proceed be-

THE ROYAL REACH

yond this beginning, in order to find our way through the contentions of our period of history. "The Lord will give His people *oze*, strength, the Lord will bless His people with *shalom*, peace" (Ps. 29:11). *Oze* is defined in the Rabbinic tradition as "Torah," or, in other words, moral strength. Why is it necessary? Because *shalom* does not mean uniformity or unanimity of opinion. It implies 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. To achieve this equilibrium — argument and peace, dispute and respect, controversy and love — one needs wisdom and intelligence, and, above all, the kind of moral strength that comes from Torah: *oze*.

19 / Doing Your Own Thing

The fashionable idiomatic exhortation, "do your own thing," is one of the most formidable slogans of our day. It defines the New Left in politics, the New Morality in conduct, and the New Generation in everything from art to drugs and theatre to hygiene. This awkward expression is new, one of the many products of the contemporary semantic experimentation and inventiveness. (As an arm-chair philologist, I offer my own theory of its origin: the Mafia, which refers to itself in Italian as *Cosa Nostra* — "our thing"). But as often happens with neologisms, new words or terms represent ideas that are really quite old and well known.

What it means is that every man must seek to satisfy his own self and not some other. The greatest virtue is to express yourself rather than to submit to the will of another. Values should be autonomous, self-generated, self-satisfying; not heteronomous, obedient to some other person or group that lays down values for you. This orientation therefore rejects any way of life in which the individual is not the center of all his concerns. Hence, all the old standards and criteria, whether in conduct or morality or art or politics, are now brought into question and usually rejected in favor of "doing your own thing." Naturally, religion with its insistence upon God's authority as Creator, is considered passe; unless, of course, "doing the religion thing" satisfies one's personal whim or inclination, in which case religion turns into a form of harmless, idiosyncratic psychopathology.