

Rabbi David Wolkenfeld
 ASBI Congregation
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Disputes for the Sake of Heaven

The Mishnah is the only ancient religious text that preserves multiple opinions. Chapter after chapter over tractate after tractate concerning one topic after another list majority and minority opinions, dissents and disagreements, often with no explicit resolution. The Mishnah does not preserve Jewish Law, insofar as one cannot get practical guidance from the Mishnah, the Mishnah preserves Jewish debates about law and the Talmud multiplies those debates exponentially and this pattern only continues in the voluminous halakhic literature that continues to grow and develop until today.

In that context, what to make of the Mishnah in Tractate Avot which teaches: כָּל מַחְלָקָת שֶׁהִיא לְשֵׁם שָׁמַיִם, סוֹפָה לְהִתְקַיֵּם any dispute which is for the sake of Heaven will endure. Whereas, the Mishnah goes on to say, a dispute that is not for the sake of Heaven will not endure.

Rabbi Ovadia Bartenura shared a perspective (before Bartenura was a manufacturer of overly sugary moscato, he was the 15th century author of an extremely influential commentary on the Mishnah). Bartenura offers two explanations for why it is that a dispute that is “for the sake of Heaven” endures. His first explanation is that the participants in a dispute for the sake of heaven will survive their dispute and go on to continue their principled disagreements. His second explanation is that a dispute about matters of enduring significance will continue. Because the quest for truth is a never-ending quest, there will always be new participants to pick up the baton and continue the dispute.

These two explanations offer two different descriptions of the dynamics that operate within ethical disagreement. The first interpretation is a pragmatic description of the way that ethical and principled disagreements lead to stability and peace. We accept losses when we know our rights and dignity will be protected in defeat, when we trust the process by which decisions are made, and when we know that we will have a chance to continue the argument another day. When disputes are total struggles for power they become zero-sum competitions with only one possible winner.

The second interpretation that Bartenura offers is that the quest for truth will forever captivate noble people who will try to uncover new facets of an infinitely complex reality. The quest will endure, not because the participants remain the same, but because the quest itself can never be fully completed.

The Mishnah then goes on to offer an example for each variety of dispute. The dispute that is l’shem shamayim, for the sake of Heaven and that will endure is the dispute between Hillel and Shammai. The dispute that is not for the sake of heaven and will not endure is the dispute of Korach as found in this morning’s Torah portion.

This means that if we want to be the opposite of Korach, and we want to endure, and we want the things that we discuss and debate and care about to captivate the attention of future generations, we need to conduct our conversations and disputes l’shem Shamayim.

The first, pragmatic, interpretation of Bartenura is the great secret of democracy. Democracy does not necessarily produce the best leaders or the best policies, but peaceful transfer of power offers a framework to lose an election and lose power without fear.

The second interpretation of Bartenura demonstrates what a community of meaning and tradition can provide. We aren't debating meaningless trivia in the beit midrash, we are investigating matters of utmost significance. We touch eternity by joining our voices to an eternal discussion.

But there is an epilogue to the Korach story, a chilling coda, that should give us pause. After Korach has been swallowed alive by the earth and after his 250 followers have been burned by a consuming fire for offering a strange fire in their firepans, a new round of rebellion breaks out the very next morning:

וַיִּלְנוּ כָּל־עַדַת בְּנֵי־יִשְׂרָאֵל מִמִּתְחַרְתֵּי עַל־מִשְׁחָה וְעַל־אֲהָרֹן לְאֹמַר אַתֶּם הִמַּתְתֶּם אֶת־עַמִּי ה':

According to the Seforno, the Israelites blame Moshe, not for the death of Korach, but for the deaths of the 250 men who were swept up in his rebellion. Those 25 men had sincere motives and were co-opted by Korach's cynical populism. The Israelites blamed Moshe and Aharon for provoking their deaths by encouraging them to take part in a test they knew would be the cause of their deaths. But the tragic story of these 250 men doesn't explain why the rest of the population remained loyal to them after they were shown to be wrong.

There is a third type of dispute. A dispute for the sake of heaven endures and those who take part in it endure. A dispute that is not for the sake of heaven leads to quick and terrible destruction. But when a dispute becomes a source of identity, then people become so firm in their positions that nothing can dislodge them. This is the sort of dispute that can outlive the original source of disagreement and fester and spread with no constructive benefit whatsoever.

I have thought about these types of disputes in the context of the potential of a new government in Israel this week. If there is a peaceful transfer of power in Jerusalem, then Israel will continue to benefit from democracies ability to sustain disputes and to sustain those who have them who peacefully accept defeat in order to argue again another day.

And I have thought about these types of disputes in the context of our shul's shifting covid guidance over the past 15 months. I hope that even if the shul's stance at any given time has been too strict or too lenient for your comfort, you have been able to trust our process (obeying city health authorities and the guidance of our physicians). That basic respect allows our community to endure, despite disagreements.

But in political life and in communal life, we should beware of the lesson from the day after Korach's rebellion, when a huge population of Israelites had become so rooted in their partisan identities that they were unable to let go and to move on from a lost cause and a failed argument.

Rabbi Chaim Brovender, my first rosh-yeshiva, shared a powerful reflection by Rav Kook on the chaotic and sometimes cacophonous multitude of disagreeing voices that has always characterized the beit midrash and Jewish life. These arguing voices, these disputes, are all attempts to draw close to God who epitomizes peace

and completeness - *shalom* and *sheleimut*. It is a mistake to think that peace requires agreement, Rav Kook wrote. On the contrary, true peace can only emerge from a quest for the Divine, and every sincere quest for the Divine entails people advocating for truth as each one of us perceive the truth. When we do this with noble intentions and with ethical sensitivity, ascribing good motives to those with whom we disagree, then all of us together, in our diversity, draw closer to God and an added measure of peace is brought to the world.

Rav Kook offered this ideas as an explanation to the famous Talmudic passage “*talmidei hakhamim marbim shalom ba’olam*” Torah scholars build peace in the World. Torah scholarship and the debates surrounding Torah scholarship and disputes about how to perform mitzvot and when and why, all bring peace since each opinion is striving for its own facet of Divine truth. This is why the Mishnah, and almost every rabbinic text since that time until today preserves multiple voices. This is how we build peace.