

THE THIRD OPINION: WHY JEWS VALUE DISSENT

Rabbi Angela Buchdahl, Yom Kippur 5782

The brand new rabbi was at a loss.

Every Shabbat, when the congregation got to the Shema, a fight erupted.

Half the congregation stood up, while the other half stayed seated.

"Stand up!" yelled the standers.

"Don't you know this is the most important prayer?"

"Sit down!" yelled those sitting; "Don't you know Jewish law?"

One day, the new rabbi learned there was a founding member of the congregation who was still alive.

The rabbi brought a representative from each faction

to the home of the 103-year-old man.

Surely he would be able to settle the dispute!

One side asked the old man,

"Isn't the tradition to rise during the Shema?"

"No, that is not the tradition." he said.

"Aha!! said the Sitter, "so we must sit during the prayer!"

"No, that is not the tradition."

"Please just tell us what to do!" the young rabbi begged the old man.

"Right now, congregants just fight all the time,

yelling at each other about whether they should sit or stand..."

"Exactly!" the old man interrupted,

"That is the tradition!"

Now this is an old Jewish joke,

but if you've ever served on a synagogue ritual committee,
you know how true it is.
Jews are famously opinionated, argumentative, and stiff-necked.
It's a cultural disposition that goes back millennia.

After the destruction of the Temple in Jerusalem,
when we could no longer commune with God through animal sacrifice,
we found a new pathway through vigorous debate.
Modern Judaism as we know it, was created
in a noisy, crowded, beit midrash
where study became a divine calling.
Never a solitary project, Jews learned in pairs, called hevruta,
The most legendary hevruta of the Talmudic period,
was between the learned Rabbi Yochanan ben Zakkai--
who was head of the academy,
and Resh Lakish--who was once a bandit, with no formal training--
and had insatiable curiosity and street smarts.

Imagine Albert Einstein sitting down to study with Al Capone.
They were an odd couple.
But they were perfect sparring partners.
because Lakish was unafraid to challenge Yochanan.
And they argued respectfully.
Except for one time--
when Yochanan called up Lakish's sordid past as an outlaw.
Lakish was so upset that he fell ill -- and died.

Yochanan was inconsolable.
So the community brought him a brilliant new hevruta.

It looked like a perfect match.

Every time Rabbi Yochanan made an argument,
his hevruta would find the text that agreed with him.

But it only took a few days for Yochanan to become exasperated:

“I don’t need you to tell me I’m right!

I already think I’m right.” he complained.

“When I used to argue a point

Resh Lakish would challenge me twenty-four times over,
until the matter became clear to both of us.

Where are you Resh Lakish?” he cried in anguish.

But of course Resh Lakish was gone.

The Talmudic story ends when Yochanan loses his mind.

And then he, too, dies.¹

You’ve got to love rabbinic legend.

When I heard this story, I finally understood

the famous expression:

“2 Jews, 3 Opinions.”

That saying always perplexed me.

If the joke is supposed to remind us that Jews always disagree,

it would suffice to say:

2 Jews. 2 Opinions.

Where did that third opinion come from?

The story of Yochanan and Resh Lakish’s hevruta teaches us:

they would each argue their points

“Until the matter became clear to both of them,”

In other words: they came to a third opinion!

Only by listening to opposing views
could they arrive at a conclusion
that transcended either of their original positions.

We sometimes lament that “2 Jews, 3 Opinions”
hurts the Jewish community, divides us.

But it is most definitely a feature, not a bug.

It was, in fact, an intentional way that rabbinic Judaism
defined itself against early Christianity.

In 325 CE, a council of Christian Bishops
codified a doctrine called the Nicene Creed.

It established unity of beliefs and rituals
mandated across the Christian world.

Contrast that with our code of Jewish law called the Talmud,
also codified in the 4th Century,
which decidedly did NOT establish uniform Jewish practices or beliefs.
Instead the Talmud reads like a transcript of “greatest rabbinic arguments.”
On legal matters, it deliberately includes the minority position
as well as the majority.

And often answers one question with another.

Over time, the inquiries and commentaries of subsequent rabbinic giants
were written into the margins, so today when you study Talmud,
you can even argue about Jewish law with rabbis across centuries.

The Talmud doesn't give us a creed to believe.

It gives us a process for how Jews should debate, refine and finally--
come to our own beliefs.

This struggle for knowledge is holy in itself.

I know that engaging with those who challenge or oppose us is not easy.

Every fiber of our being wants to avoid it.

Which is why the Talmud warns what could happen to us
when we aren't willing to engage.

In another story about Resh Lakish,²
two Rabbis were headed to the town of Asiya
in order to set the lunar calendar with the right leap months.
Resh Lakish asked if he could join them.
So the three men set out together.

Along the way,
Resh Lakish questioned several things that the two rabbis permitted.
As they walked, his inquiries persisted.
The rabbis grew so frustrated with him
that when they arrived in Asiya,
they climbed up to the roof of the building,
pulled up the ladder behind them.
and set the calendar without him.

I get why they did it.

When someone challenges us--over and over--
it's hard not to feel bothered
or even threatened.

It can feel good to climb up to some high place with our allies,
and pull up the ladder to avoid engaging with people
who disagree with us.

But where does that leave us?

Comfortable and happy. Maybe.

But also, stranded and isolated.

Those two rabbis on the roof?

We never see them in the Talmud again.

They disappear. They become irrelevant.

While Resh Lakish goes on to become the Steve Jobs of Jewish learning.

Rabbi Yochanan and Resh Lakish

were willing to sit in the discomfort of dissent and even doubt.

Because they knew that their debates

were in service of something bigger than themselves.

I know all of this is much easier to preach than to practice in real life.

I experienced this discomfort recently.

Last May I traveled to Israel on a UJA mission for NY rabbis

days after the ceasefire.

Israeli Jews described to our group their terror

as they had to rush their families to bomb shelters.

Palestinians and Jews, who had worked for years

to create a shared society saw their fragile trust shattered overnight.

It felt like I was there to sit shiva with the country.

In the midst of all this,

a letter signed by 90 American rabbinical students

made front page news in Israel.³

They signed from Conservative, Reconstructionist, Pluralistic

and yes, Reform seminaries.

I understood why they were upset.

I too, felt frustrated by the continued Occupation and its costs.

But I was struck by how the letter accused Israel of
“violent suppression of human rights”

And: “enabling apartheid.”

I also was struck by what the letter didn’t say:

it was silent on the terrorist leadership of Hamas,
and its 4000 rockets;

devoid of any historical context;

And there was not one expression of compassion or empathy
for Israeli Jews.

I felt angry, and embarrassed, that in this moment,
these students would choose to send this message.

Before I filed the letter away-- and I’m not proud of this--

I thought to myself, I wouldn’t want to hire anyone who signed that letter.

But I also knew that dismissing these students was not right.

It wasn’t very rabbinic on my part.

And it wasn’t very Jewish.

I was pulling up the ladder

on a large swath of future Jewish leaders.

And I’m not just talking about the rabbinic students--

but our own kids, too.

So many of you have told me recently that it’s become nearly impossible
to have a conversation with your children or grandchildren about Israel.

But the answer is not to shut them down,
but to engage more fully.

To listen deeply. And push back.

And wrestle.

Until the matter becomes clearer to everyone.

The future of our Jewish community depends on it.

And I daresay the future of our democracy depends on it too.

I cannot think of a more important time in our country
to promote the Jewish value of vigorous, respectful disagreement
than right now.

Our world has become frighteningly polarized:

You're either 'with me' or 'against me,'

on the left or the right.

Democrat or Republican.

MSNBC or Fox News.

But we know--

there are always more than just 2 opinions!

These positions are not just what we think.

They have become our identities:

A recent Pew report⁴ found

that it was significantly more important to Jews

that their future grandchildren share their political convictions,

than marry someone Jewish.

Think about that.

In identity politics, whether you identify

as a person of color, or a socialist,

as a Conservative, or a Zionist,

these communities often mandate you take on a platform of beliefs.

Wholesale.

The price of belonging is towing the line.

But let's remember what our tradition teaches: not what to believe,
but how we get to beliefs worth holding.

Questioning is sacred. Dissent is productive.

If you start to debate,

you may discover something that transcends the binary:

You may discover a third opinion.

And it will inevitably be wiser than either of the first two.

On this day of Atonement,

in this restless return to our best selves,

consider committing to this core Jewish practice:

Seek out a hevruta in your life.

Not just the friend who reminds you that you are right.

But a real sparring partner, like Lakish.

Where the goal of your interrogation is not winning the battle--

but elevating your understanding.

Where the baseline is decency

and giving someone the benefit-of-the-doubt.

This year, instead of turning away from those difficult conversations

could we, with humility...

Speak to that friend who is not comfortable getting vaccinated.

Ask your colleague why she opposes the right to abortion.

Inquire why your neighbor supports "defunding the police."

Ask your fellow congregant why he supports a one-state solution.

Having these conversations

not only makes our democracy BETTER.

And our country BETTER.

It helps each of us --be BETTER.

We saw that with the greatest legal minds of the rabbinic era,

Rabbi Yochanan and Resh Lakish.

And we saw something similar 2000 years later,

with 2 of the greatest legal minds of our era:

Justice Antonin Scalia and Justice Ruth Bader Ginsberg.

This Saturday will be Justice Ginsberg's one-year yartzeit.

I remember so clearly hearing the news of her death

after our Erev Rosh Hashanah services last year.

Scalia and Ginsberg had great affection for each other:

They were both native New Yorkers, opera buddies

and New Year's Eve revelers for over 30 years.

But they disagreed on virtually every substantive issue

from same sex marriage to abortion to the Voting Rights Act.

Scalia famously said of Ginsberg: "What's not to like?

Except her views on the law."

In the landmark Virginia Military Institute case

which allowed women to attend the historically male institution,

Ginsberg authored one of the capstone opinions

in her long career devoted to gender equality.

There was only ONE dissenter: Scalia.

When Scalia died in 2016, Ginsberg mourned the loss of her great hevruta.

At his memorial,

she recalled their vehement disagreement on the VMI case.

But she praised HOW he disagreed:

Scalia had given her a preview of his draft dissent,

full of barbs and disdainful footnotes:

Ginsberg said: "He absolutely ruined my weekend,

but my opinion is ever so much better because of his stinging dissent."

They might not have changed each other's thinking,

but they made each other THINK.

BETTER.

Judaism does not promote blind faith or uniform beliefs.

Struggling for truth is a way of engaging with God--

this is literally what our name, Yisrael means:

"The One who wrestles with the Divine."

Let us all be seekers of wisdom and understanding.

Modeling a different kind of discourse,

One that our ancestors took as a sacred pursuit.

One they knew--was the path to authentic belief.

1 BT Bava Metzia 84a

2 BT Sanhedrin 26a

3 <https://www.timesofisrael.com/us-rabbinical-students-urge-jews-to-hold-israel-accountable-for-rights-abuses/>

4 <https://www.pewforum.org/2021/05/11/jewish-americans-in-2020/>