



ON PERSUASION

In the Talmud, God admits He's wrong. There's a lesson there about free speech.

By Joel Swanson

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Image by Angelie Zaslavsky

This article is part of a new series called "On Persuasion." We asked thought leaders to consider what persuasion means to them. What works in terms of persuading people? Is it moot in 2020? What is the Jewish value of persuasion? Should we be opening our minds to other points of view, or closing them to dangerous ideas? This is the first article of the series.

There's a famous story in the Talmud that I think about sometimes when people are discussing free speech, open debate, and who deserves to be considered an authority on a particular topic. As the story goes, the rabbis are debating a very technical and specialized question about whether or not a particular oven is susceptible to ritual impurity under the laws of *kashrut*. The majority of the rabbis conclude that the oven is impure, but Rabbi Eliezer ben Hyrkanus insists that it is pure, and he refuses to bend on the matter.



Joel Swanson | Artist: Noah Lubin

Insisting God agrees with him on this point of Jewish dietary law, Rabbi Eliezer says, “If the *halakhah* [Jewish law] is in accordance with my opinion, this carob tree will prove it.” The tree then rises into the air and flies away.

But the other rabbis insist that Jewish law is not determined based on carob trees, so Rabbi Eliezer reaches for another divine sign, and causes a stream of water to flow backwards. When that fails to convince, he makes the walls of the study hall tremble and fall down, and finally calls forth a voice from heaven itself, which asks the other rabbis, “Why are you differing with Rabbi Eliezer, as the *halakhah* is in accordance with his opinion in every place that he expresses an opinion?”

You would think that, in matters of Jewish law, this would be the ultimate trump card. After all, Rabbi Eliezer has the voice of heaven on his side, defending his interpretation of kosher laws. But the story does not end there.

Instead, the other rabbis cite Deuteronomy 30:12, which states that the Torah “is not in heaven.” Because the Torah is not in heaven, heavenly voices have no special authority to interpret it. As Rabbi Yirmiyah reminds Rabbi Eliezer, “Since the Torah has already been given from Mount Sinai, we do not pay attention to heavenly voices.”

Rabbi Eliezer may have heaven on his side, but it does not matter. The majority rabbinic ruling stands.

This is a pretty radical story from Jewish tradition. As scholar David Stern argues, it represents nothing less than “effectively invoking Scripture against God.”

Even more radical is God’s response: Far from being angry or upset that the rabbis have usurped heavenly authority over the Torah, God is amused. The story concludes by telling us that God listens to this rabbinic debate in heaven while smiling and

laughing. “My children have triumphed over Me; My children have triumphed over Me,” God says.

I think of this Talmudic tale regularly when I think about free speech and persuasion as Jewish values. The story has been taken as the ultimate argument for pluralist debate in Jewish tradition, for establishing “a culture of dialogue in which dissenters’ rights are treated respectfully,” and an ideal deliberative culture is modeled.

The rabbis are so committed to the ideal of open debate, deliberation, and discussion that they hold this ideal to be more important even than listening to the voice of heaven. And the God of the Talmud cares so much about open debate that He approves of His people challenging His opinion, in His own voice.

As numerous scholars have pointed out, there’s a lesson here about certitude and doubt. If even God is willing to be wrong, to be bested by rabbinic interpreters, then who are we to think that we possess the whole truth, and to be unwilling to listen to those who disagree with us?

The Talmud asks us to accept imperfection and uncertainty and to see the process of debating laws and texts as more important than the finished result. As Rabbi Maurice Harris points out, “it’s an imperfect religion, this rabbinic Judaism that God endorses, and the rabbis’ central self-descriptive sacred text, the Talmud, tells us so.”

As the Talmud recognizes, there are limits to our knowledge, and there can be something beautiful to accepting those limits and seeing them as opportunities to learn from debating with others and listening to other points of view.

Even God listens to the point of view of rabbis who disagree. It’s in our imperfections that debates begin.

This is why it is so important that the Talmudic text, despite ultimately siding with the majority of the rabbis who rule the oven to be impure, nonetheless preserves the minority opinion of Rabbi Eliezer. Readers of the Talmud often point to the seemingly odd fact that this text records minority rabbinic opinions about Jewish law that have been overruled by the majority.

If the purpose of the text is to issue authoritative rulings about Jewish law, why include these rejected opinions at all? But as the British scholar Hyam Maccoby

points out, “the reason given by the Mishnah for this preservation is that one day these minority opinions may become the basis for a revision of the law.”

We should always listen to minority opinions because sometimes they contain wisdom that the majority has overlooked. The debate is an unending process that is never complete. In a very real sense, the process itself is more important than the result.

This brings us to one final paradox in the famous story of Rabbi Eliezer summoning heaven to testify to his opinion. As Talmud scholar Daniel Boyarin notes, the rabbis claim the right to overrule heaven based on the principle in Deuteronomy that the Torah “is not in heaven.” But in order to argue that the Torah is on earth and not in heaven, they have to appeal to the heavenly authority of this verse from Deuteronomy itself.

In other words, to claim the right from God to interpret the text on earth, they cite a verse that only gets its authority from the fact that the rabbis believe it comes from God. They rely on the very authority that they also disavow.

I think that offers one final lesson for us today in our modern context. The rabbis value free debate and deliberation, and they listen to one another and remain open to being challenged. They talk back even to God. But ultimately, they all rely on one standard text, as the basis for their debates.

They can disagree strongly because they all read the same Torah.

At a time when our objective sources of facts in the news media are increasingly under attack as “fake news,” this is an important reminder: We need to share some sources in common before we can even begin to argue. If we can’t agree on which sources are reliable, we’ll never get anywhere.

But within that basic framework, argue away. The Talmud tells us that even God has limits to His (or Her) knowledge of the text. God wants us to talk back and to challenge.

And if God can be wrong, who are we to think we know everything?

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