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## Negotiating the Principle of (Non)-Contradiction: Johann Frischmuth on the Rabbinic Dialectic Discussion

The principle of contradiction (αρχή τῆς ἀντιφάσεως) first appears in Aristotle's *Metaphysics* IV. Perhaps no other passage of Aristotelian philosophy is as controversially debated as the fundamental binary logical incompatibility between true and false, the foundation of the principle of contradiction (commonly called the principle or law of non-contradiction, PNC). Three formulations of it are given in the fourth chapter of the *Metaphysics*:<sup>1</sup>

1. It is impossible for the same attribute at once to belong and not to belong to the same thing and in the same relation (τὸ γὰρ αὐτὸ ἅμα ὑπάρχειν τε καὶ μὴ ὑπάρχειν ἀδύνατον τῷ αὐτῷ καὶ κατὰ τὸ αὐτό); <sup>2</sup>
2. It is impossible to hold (suppose) the same thing to be and not to be (ἀδύνατον γὰρ ὄντινοῦν ταῦτόν ὑπολαμβάνειν εἶναι καὶ μὴ εἶναι);<sup>3</sup>
3. Opposite assertions cannot be true at the same time (ἀδύνατον καὶ τάναντία ὑπάρχειν ἅμα).<sup>4</sup>

The intention of Aristotle's formulations is to offer a fundamental proposition of ontological, psychological, and logical craft<sup>5</sup> in order to avoid an infinite recourse to the proof (*apodeixis*). Discussions of Aristotle's different formulations and their origin and logical consistency have been the object of many commentaries from antiquity until recent times.<sup>6</sup> It is not my intention to repeat, reformulate, or reinforce the valid and probable objections to the PNC or even to defend it against its opponents or detractors.<sup>7</sup> My purpose is only to introduce the reader to a seventeenth-century debate which originated in the Protestant University of Jena in Germany. The *appa-*

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1 Here I am following Paula Gottlieb, "Aristotle on Non-contradiction," *The Stanford Encyclopedia of Philosophy* (Summer 2015 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/sum2015/entries/aristotle-noncontradiction>. The reader may find the literature on this topic there.

2 Aristotle, *Metaphysics* IV:3 (1005b19–20), according to the Loeb Classical Library; Perseus: 'It is impossible for the same thing to belong and not to belong at the same time to the same thing and in the same respect.'

3 Aristotle, *Metaphysics* IV:3 (1005b24; cf. 1005b29–30).

4 Aristotle, *Metaphysics* IV:6 (1011b13–20).

5 Gottlieb, "Aristotle on Non-contradiction," but cf. also the controversy on this formulation in Jean-Louis Hudry, "Aristotle on Non-Contradiction: Philosophers vs. Non-Philosophers," *Journal of Ancient Philosophy* 7 (2013): 51–74.

6 See the recent work by Enrico Berti, *Contraddizione e dialettica negli antichi e nei moderni* (Brescia: Morcelliana, 2015).

7 See John Woods, "Dialectical Considerations on the Logic of Contradiction: Part I," *Logic Journal of the IGPL* 13 (2005): 231–260.

rent intention of this debate was to present Jewish thought as an anti-Aristotelian tradition; its *real* purpose was to undermine the principle of the reception of the Dual Torah.

This discussion is imperative for the modern scholar not only because of its author's attempt to qualify a religion as illogical and as pretending to be true while contradicting the principle of non-contradiction, but also, and perhaps much more intriguingly, because of his attempt to judge Jewish scholars as blasphemous in their real or alleged attribution of logical contradictions to the first principle, i.e. God. We will first examine the cause of the discussion. Then, we will follow the attempts to resolve the question from a rabbinic point of view. Finally, we will attempt to discuss the diverse hypothesis of a fruitful discussion of or inquiry into the question of whether the truth can be negotiable in a system of thought that defines it.

### Casus disputandus: *elu we-elu divre elohim ḥayyim*

In 1658, Johann Frischmuth (1619–1687), professor of ‘holy language’ at the University of Jena in Germany, together with his student Johannes Leonart Will, presented and defended a *dissertatio*<sup>8</sup> on *An Hebraei statuunt idem posse esse et non esse* (‘Whether the Jews Can Claim That the Same Thing Both Can and Cannot Exist [at the Same Time]’).<sup>9</sup> The booklet presents two arguments with the strategy of disavowing any connection between Judaism and Aristotelianism: the foundation of rabbinical authority<sup>10</sup> and the Jewish ‘principle’ of contradiction. In both cases, the rabbis—according to Frischmuth are so impertinent and sacrilegious as to derive their own authority from God and supreme blasphemy to attribute the origin of two contradictory positions to him, or in his own words:

If two rabbis contend amongst themselves and struggle, issuing contradictory sentences, it is nevertheless to be believed that both of them obtained their doctrine from Moses, each sentence being the word of the living God which is a supreme blasphemy.<sup>11</sup>

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<sup>8</sup> For the format of the *dissertatio*, see Giuseppe Veltri, “Academic Debates on the Jews in Wittenberg. The Protestant Literature on Rituals, the Dissertationes and the Writings of the Hebraists Theodor Dassow and Andreas Sennert,” *European Journal of Jewish Studies* 6 (2012): 123–146.

<sup>9</sup> Johann Frischmuth and Johannes L. Will, *De Loco Devt. XVII. v. 8. seqq. et quæ ad illum moveri solet, quæstione: An Ebraei Statuunt, Idem Simul Posse Esse Et Non Esse, Exercitium Academicum, Præside Dn. M. Johanne Frischmuth, Lingg. Sacr. Prof. Publ. Famigeratissimo, & Facultatis Philosophicæ h.t. Decano spectabili, Publicè ventilandum exhibet M. Johannes Leonartus Will* (Jena: Krebsius, 1658) [Jena, Univ., Phil. Disp., 1658].

<sup>10</sup> This argument is treated by Guido Bartolucci in this issue of the Yearbook.

<sup>11</sup> *De Loco Devt. XVII, A2v*: ‘Si duo Rabbini inter se contendant & pugnent, ac sermones contradicentes proferant, non minus credendum esse, utrumque suam doctrinam a Mose accepisse, immo (quæ summa est blasphemia) utramque sententiam verbum Dei viventis esse.’

The reader of Frischmuth's dissertation may be deceived by this formulation, believing that he is approaching a controversy of philosophical importance. On the contrary: Frischmuth is abusing a philosophical topic of Aristotelian logic to combat rabbinic authority based on Oral Torah. Therefore, he begins with Deuteronomy 17:8, already quoted in the title of the *dissertatio*, where the main problem is the foundation of the Sanhedrin and the Torah as the supreme constitutional authorities (a court system and a religious and political document) of the Jewish way of life,<sup>12</sup> interpreted in the light of Exodus 23:2 (according to which the Halakhah follows the majority).<sup>13</sup>

Yet let us begin at the beginning. The blasphemy against God consists of attributing internally contradictory assertions because they are controversially disputing (*contendant & pugnent*) to the doctrine of Moses and hence basing their opposing authority on God himself (*credendum esse [...] utram sententiam verbum dei viventis esse*). This rabbinic position indeed occurs in some texts, of which the most famous is a quotation from the Babylonian Talmud, *Eruvin* 13b, to which Frischmuth expressly and directly refers. It must be stated at the outset that his rendition does not come from the text of the Babylonian Talmud, but is a direct quotation from the anti-Christian *Sefer Niṣṣaḥon* ('Book of the Triumph')<sup>14</sup> by Rabbi Yom Tov Lipmann Muehlhausen (fourteenth-fifteenth century), a philosopher and controversialist:

For three years, the House of Hillel and the House of Shammai debated. One said: 'The Halakhah is in accordance with our opinion.' The other objected: 'The Halakhah is in accordance with our opinion.' The voice of God rang out (and entered into the discussion), saying: 'Both the one and the other are the word of the living God. The Halakhah, however, follows the words of the House of Hillel.'<sup>15</sup>

Also, another text from the Babylonian Talmud, *Hagigah* 3b, is, according to Frischmuth who follows also here Yom Tov Lipmann, relevant to the question because it describes a 'rabbinic discussion' as a *perennially* controversial status:

<sup>12</sup> On this topic, see Steven D. Fraade, "'If a Case is Too Baffling for You to Decide...' (Deut 17:8–13): Between Constraining and Expanding Judicial Autonomy in the Temple Scroll and Early Rabbinic Scriptural Interpretation," in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy*, eds. Joel S. Baden, Hindy Najman, and Eibert J. C. Tigchelaar, Supplements to the Journal for the Study of Judaism 175 (Leiden and Boston: Brill, 2016): 409–430.

<sup>13</sup> See Giuseppe Veltri, "The limit of scepticism and tolerance," *Bollettino della Società Filosofica Italiana* N.S. 221 (2017): 37–55, spec. 51–54.

<sup>14</sup> Yom Tov Lipmann Muehlhausen, *Liber Nizachon Rabbi Lipmanni, conscriptis anno à Christo nato M. CCC. XCIX.: diu[ue] desideratus: nec ita pridem, fato singulari, è Judæorum manibus excussus. Oppositus Christianis, Sadducæis atque aliis. Editus typis academicis curante Theodori Hackspan ... Accessit tractatus de usu librorum Rabbincorum, prodromus apologiæ pro Christianis adversus Lipmannum triumphantem* (Nuremberg: Wolfgang Endter, 1644): 176 (§321); see Ḥaninah Ben-Menaḥem and Shimshon Etinger, eds., *Sugyot ba-mishpat ha-ʿIvri* [Hebrew], vol. 1 (Raʿananah: ha-Universiṭah ha-Petuḥah, 2006): 148–150.

<sup>15</sup> See previous footnote; the text is quoted by Frischmuth, *De Loco Devt. XVII*, §15.

‘The masters of assemblies’ (בעלי אסופות): these are the disciples of the wise, who sit in manifold assemblies and occupy themselves with the Torah, some pronouncing unclean and others pronouncing clean, some prohibiting and others permitting, some disqualifying and others declaring fit.<sup>16</sup>

The Talmud gives a commentary on Qohelet 12:1, where the words of the wise are explained as goads, firmly fixed like ‘nails by the masters of assemblies.’ Frischmuth also adds the talmudic comments that ‘they have been transmitted by one shepherd and one shepherd received them, one leader.’ He did not directly quote the version of the talmudic discussion, which, according to the current version, reads:

Should a man say: ‘How in these circumstances shall I learn Torah?’ Therefore, the text says: ‘All of them are given from one Shepherd.’ One God gave them [the interpretations of the words/opinion]; one leader uttered them from the mouth of the Lord of all creation, blessed be He; for it is written: *And God spoke all these words* (Exodus 20:1).<sup>17</sup>

This is a rendition of the *Sefer Niṣṣaḥon* by Rabbi Yom Tov Lipmann Muehlhausen, who substituted *el* (‘God’) with ‘Shepherd’ in the sentence ‘All of them are given from one Shepherd. One Shepherd gave them,’ omitting ‘from the mouth of the Lord of all creation, blessed be He; for it is written: *And God spoke all these words.*’

Lippmann adds his comment:

That is a thing which is difficult to understand: the House of Shammai declared it as pure, the House of Hillel declared it as impure. How can it be possible that they are both the word of God? And how could Moses, freedom be upon him, receive both of them from the Almighty? If he received it pure, he could not receive it impure. If he received it impure, he could not receive it pure.<sup>18</sup>

With this quotation, the Protestant theologian wanted to emphasise that Jewish scholarship was conscious of the problem and made efforts to resolve the contradiction (*ad tollendam contradictionem*) because the principle of truth is of universal validity.

The whole discussion is tactically interesting because Frischmuth and his student present the reader with a melange of rabbinic texts in the original language with Latin translations interspersed with short commentaries, most of which are summaries of the rabbinic texts or insults to the Jews: liars, blasphemers, defenders

<sup>16</sup> Herz’s translation quoted in Judah J. Slotki, Israel Brodie, and Isidore Epstein, eds., *The Babylonian Talmud: Translated into English with notes, glossary and indices* (London: Soncino Press, 1952).

<sup>17</sup> “בעלי אסופות” – אלו תלמידי חכמים שיושבין אסופות ועוסקין בתורה, הללו מטמאין והללו מטהרין, הללו אוסרין והללו מתירין, הללו פוסלין והללו מכשירין. שמא יאמר אדם: היאך אני למד תורה מעתה? תלמוד לומר: כולם “נתנו מרועה אחד” – אל אחד נתנו, פרנס אחד אמרנו מפי אדון כל המעשים, ברוך הוא, דכתיב: “וידבר אללים את כל הדברים האלה” (שמות כ, א). אף אתה עשה אזניך כאפרכסת וקנה לך לב מבין לשמוע את דברי מטמאים ואת דברי מטהרים, את דברי אוסרין ואת דברי מתירין, את דברי פוסלין ואת דברי מכשירין.

<sup>18</sup> See above n. 14; the text is quoted by Frischmuth, *De Loco Devt. XVII*, §15.

of absurdities, etc. The tactic behind it is rhetorical, focussed on formulating, verifying with rabbinic texts, and then disseminating the idea that rabbinic and Jewish tradition is nothing but contradiction itself. Seen from the rabbinic point of view, with the message of the quoted texts, it is almost clear that the entire dissertation is based on a clear syllogism: if two rabbinic schools have different *and contradictory* conclusions of capital importance, and if they have based their argumentation on the Torah of Moses, then their conclusions should be considered to have originated with the divine authority even when they are contradictory. I will now present the tactics and logic of rabbinic debate and the (ab)use that Frischmuth made of them.

## Frischmuth's Tactics of Argumentation

Frischmuth analyses what a controversy (*maḥloqet*) is, the value and persistence of this controversy, and the divine origin of the results of the contradictory debates. All of these points are introduced and presented after some rabbinic texts, primarily taken from the treatise entitled *Pirqei Avot* and its later commentaries. *Pirqei Avot* is a rabbinic treatise (probably composed between the second century BCE and the second century CE)<sup>19</sup> which is unique in its genre, because although it belongs to the Mishnah (the first main legal collection of the body of rabbinic literature, constitutive of that which is called the Oral Torah), it mirrors a wisdom text with religious, sapiential, and philosophical ideas rather than a typical Mishnaic halakhic composition. Yet this text is fundamental for rabbinic identity, because it presents the chain of tradition from Moses to the rabbinic period.

## *Maḥloqet le-shem shamayim*

*Maḥloqet* is a postbiblical term for division, controversy, contradictory dispute, or dissent. The reader of talmudic passages would immediately acknowledge that the word was tantamount to ominous disunion. Because of the lack of a central authority capable of settling a dispute, *maḥloqet* was not synonymous with a peaceful dialectic discussion. Over the course of the centuries, it became a warning reminder of a violent episode in talmudic times, in which the students of the House of Shammai killed those of Hillel. This terrible anecdote is important for us because of the importance of both schools and their debates. According to the Babylonian Talmud:

They [House of Shammai] thrust a sword into the study house and declared: 'Whoever wants to enter may enter, but no one may leave!' And on that day Hillel sat in submission before Sham-

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<sup>19</sup> The dating of rabbinic texts is a tremendous undertaking because of their nature as part of a literature of tradition, not of authors. Scholars consider the age of the Mishnah to be between the second century BCE and the second or third century CE.

may, like one of the disciples, and it was as wretched for Israel as the day on which the [golden] calf was made.<sup>20</sup>

More precisely, the Jerusalem Talmud reported:

It was taught in the name of Rabbi Yehoshua Oniya: The students of the House of Shammai stood below them and they were killing the students of the House of Hillel. It was taught: Six of them ascended and the others stood over them with swords and lances.<sup>21</sup>

The historical frame of this episode is not clear; however, it is certain that the serious discussion could have led to a violent altercation because of the vital topic they were discussing. As a contrast, we can recall a passage of the Jerusalem Talmud that reports a nostalgic time in which there had been no diversity of opinion, no *maḥloquet*, because of the existence of the Sanhedrin, which settled them.<sup>22</sup> Although the local Sanhedrin could be places of peaceful discussion and judgement, the passionate temperament and vital necessity of debating were and remain characteristic of Jewish religion and life.

The debates between the Houses or Schools of Hillel and Shammai were of a particular nature. Rabbinic literature considers them a kind of *maḥloquet*, described as *le-shem shamayim*, that is, ‘for the sake of heaven’; this dispute ends with an *aporia*, i.e. culminating in endless contradiction. The dispute between the Houses of Hillel and Shammai is endless because it is ‘for the sake of Heaven’ (*le-shem shamayim*), as stated in Mishnah, *Avot* 5:17:

All controversies (*maḥloquet*) which are for the sake of Heaven will never cease to exist (סופהם (להתקיים); but one that is not in the name of Heaven will cease to exist. What [kind of] controversy is for the sake of Heaven? Such as was the controversy between Hillel and Shammai. What was an argument that was not for the sake of heaven? That of Korach and his congregation.

What is a *maḥloquet*? Frischmuth quotes the Sefardic philosopher Isaac Abravanel, who wrote a commentary on the treatise *Avot* in the fifteenth to sixteenth century.<sup>23</sup> According to him, a *maḥloquet* is not a play of dialectical value in order to overcome

<sup>20</sup> Babylonian Talmud, *Shabbat* 17a; English translation by Daniel Roth, “The Ninth of Adar: the Day Constructive Conflict Turned Destructive,” *Pardes* 4 (2013), from <http://pcjcr.pardes.org/wp-content/uploads/2013/02/JDCC-Occasional-Paper-2013.pdf>.

<sup>21</sup> Jerusalem Talmud, *Shabbat* 1:4 (3c).

<sup>22</sup> Jerusalem Talmud, *Sanhedrin* 1:4 (19c): א”ר יוסי בראשונה לא היתה מחלוקת ישראל אלא סנהדרין של שבעים (להתקיים); ואחד היתה יושבת בלשכת הגזית. On *maḥloquet*, see Moshe Sokol. “What Does a Jewish Text Mean? Theories on Elu ve-Elu Divrei Elohim Hayim in Rabbinic Literature,” *Da’at* 32–33 (1994): 22–31 and Shaul Magid, “The Intolerance of Tolerance: Makhloket and Redemption in Early Hasidism,” *Jewish Studies Quarterly* 8 (2001): 326–368.

<sup>23</sup> *Pirquei Avot*. ‘im perush ... Mosheh Ben Maimon we-‘im perush naḥalat Ya’aqov meha-sar ha-gadol rabbenu don Yiṣḥaq Abarbanel [Hebrew] (New York: D. Silberman, 1952–1953): 357; available online at <http://www.mdz-nbn-resolving.de/urn/resolver.pl?urn=urn:nbn:de:bvb:12-bsb10933939-3>.

one's counterpart, but a negotiation as the premise of how the truth comes to light and secret things are revealed,<sup>24</sup> according to his own words:

(The *mahloqet* is meant) for people to discuss, but not to prevail one against the other, although it is for the sake of Heaven, i.e. to let the truth come to light and to reveal the secret of the things which become known through the negotiation which is in the discussion.<sup>25</sup>

Frischmuth did not understand the texts and translated מתוך המשא והמתן אשר במחלוקת as *id quod fiat interventu deliberationis in disceptatione* ('to facilitate the decision in the discussion'). It is absolutely true that discussion can contribute to resolving the question, but he missed the point of how this is reached. He misunderstood the important reference to negotiation, which produces explanations or revelations of the secrets of the words. I actually do not know whether Abravanel was the first to compare the dialectic of discussion to a negotiation. However, Saadiah Gaon had already compared the search for the truth of the senses to a test of genuine and counterfeit coins.<sup>26</sup>

However, the idea of negotiation is a typical attitude of rabbinic Halakhah, similar to every legal system. Also, according to the Tosefta, *Sanhedrin* 13:3, the dead will be judged on every act of their lives: there will be the fully righteous, the fully evil, and those in-between, the *benonim* or *shequlim* ('equivalent' or 'equipollent'). Hence, a situation of equipollence of evil/good and true/false can also exist and its result, if any, will be negotiated.

Yet the idea of a negotiation of the truth is also present in Islamic philosophy, according to the work of Dominique Raynaud published in 2013.<sup>27</sup> He writes: 'During the course of a controversy, truth is temporarily suspended and replaced by an exchange of arguments of uncertain statute.'<sup>28</sup> His point of departure is the Persian savant Shams al-Dīn Al-Samarqandī (c. 1250 to c. 1302). He wrote some books on logic, mathematics, and astronomy and four treatises on the rules to be followed in the conduct of a scholarly controversy, of which only three are extant: *Risāla fī adāb al-baḥṭh* ('Epistle on the Rules and Etiquettes of Debate'), *Qustās al-afkār* ('The

24 Georg Ursinus, הישיבה והמדרש *Seu Antiquitates Hebraicae Scholastico-Academicæ. In Quibus Scholarum & Academiarum Judaicarum historia tam intra quam extra Scripturam, Forma earundem, Docentium & Discentium officia, Ritus, Dimissio è Schola, Promotio, Promotionum Tituli, Distincti Professorum Ordines & Facultates, Methodus Disputandi, Studia, Statuta, Privilegia & Stipendia continuo, ubi fieri potuit, S. Scripturæ & monumentorum Rabbinicorum concentu eruta leguntur* (Copenhagen: Lieben, 1702): 287.

25 לקנטר ולא להתגבר זה על זה כי אם לשום שמים ר"ל להוציא האמת לאור ולגלות מצפוני הדברים אשר יודעו מתוך המשא והמתן אשר במחלוקת; see n. 14 and n. 23 above and Frischmuth, *De Loco Devt. XVII*, §16.

26 See Giuseppe Veltri, "Testing Genuine and Counterfeit Coins: The Subject's Error in Saadya's Argument of True Knowledge against Scepticism" (in preparation).

27 Dominique Raynaud, "Al-Samarqandī. Un précurseur de l'analyse des controverses scientifiques," *Al-Mukhatabat* 7 (2013): 8–25, now in idem, *Scientific Controversies: A Socio-historical Perspective on the Advancement of Science* (New Brunswick: Transaction, 2015): 163–182.

28 Raynaud, *Scientific Controversies*, 164.



Weighing of Ideas'), and *al-Mu'taqadāt* ('The Convictions'), composed between 1291 and 1302. This is not the right place to explain the rules of rhetoric and dialectic debate which he settled and developed out of his knowledge of law and jurisprudence (*uṣūl al-fiqh* and *furū'*). Yet Al-Samarqandī's contribution to the dialectic and rhetoric of the debate is the careful analysis of the settlement of controversies, introducing the innovation of the 'signs of defeat' (*dalā'il al-inqitā'*), the indication of the moment when one 'of the parties to the debate has [...] emerged as the victor or the vanquished.'<sup>29</sup> The signs are: inconsistency (the conclusion is not proportional to the premises or is self-contradictory); *reductio ad absurdum*; silence; distinction (necessary for the chain of reasoning); incapacity (to respond to a question); digression (a break in the continuity of reasoning); commensurability (non-conformity to the case); deviation (a response to a different question); appeal to the crowd (appealing to the listeners signifying a lack of arguments); or stubbornness (refutation of objections).

The expression 'sign of defeat' is a rhetorical tool for referring to a negotiation which ends in a result, expected at a certain point when the adversary shows signs of weakness. We have a similar situation in a chess game, which, according to the seventeenth-century philosopher Simone Luzzatto, is a symbol or metaphor of controversy, and fundamental to the understanding of philosophical (sceptical) debates:

Some idle men promulgated other absurdities concerning this [i.e. the original principles of the world], but it would be too inopportune now to attempt to summarise them. Yet by observing these arguments and controversies about the ancient principles of things, I began to have suspicions about the imbecility of human knowledge. According to the probable, I therefore argued that if the disagreements concerning the principles are so complex and numerous, then the difficulties in the development of the discourse will be even more inexplicable. Just like lines that go from the centre to the circumference, when they [i.e. lines] are close to their origin, there is only a little distance between them, but as soon as they advance, they increasingly shift in different directions.

Hence, I likewise started to suspect that as human beings we are indeed not endowed with sufficient organs and faculties to apprehend and acknowledge the truth. Besides, the early bases and foundations from which the edifice of human knowledge rises are indeed not fixed and stable, but arbitrary and laid at our whim, as is usually the case with games, especially with chess, where similarly, while deductions and consequences are necessary, the first positions are indeed contingent and voluntary.<sup>30</sup>

The game is over when the 'signs of defeat' are visible, unchallengeable as a consequence of the debate. According to Al-Samarqandī, they are valid only for controversies concerning philosophy, logic, astronomy, and mathematics. However, what is the purpose of controversies of vital religious importance? Is 'silence' a sufficient reason

<sup>29</sup> Here I am summarising Raynaud, *Scientific Controversies*, 175–176.

<sup>30</sup> Simone Luzzatto, *Scritti politici e filosofici di un ebreo scettico nella Venezia del Seicento*, introduced, commented, and edited by Giuseppe Veltri in cooperation with Anna Lissa and Paola Ferruta (Milan: Bompiani, 2013): 129.



to end the discussion, for example? Or a controversial point of view? The thesis of a legal negotiation cannot obscure the fact that this Islamic philosophical movement is affected by the same tendency present in the debate on the first principle of contradiction: to demonstrate the validity of a principle which cannot be invalidated. That is the reason why the contradiction of the Halakhah disputation will be settled in the end. However, what is the end?

## End or Persistence of a Controversy (*sofah lehitqayyem*)?

The negotiability is not the end of the controversy, and that is the problem. Frischmuth quotes the Jewish exegete Obadiah of Bertinoro, who stated that 'he who can discuss exists and has not perished.' This is a reference to Korach's debate in the Bible, also quoted from *Pirquei Avot*, because it was not *le-shem shamayim* ('for the sake of Heaven'). The biblical personage of Korach was the leader of a rebellion against Moses in Numbers 16, along with 249 co-conspirators. He and his congregation were punished by fire from heaven. According to the rabbinic exegesis, Korach had a *maḥloqet* with Moses for private reasons; therefore, he was destroyed, according to both the Bible and Obadiah.

Obadiah also transmits the tradition according to which *sofah* ('her/its end') is not the end but the 'intended purpose' (*takhlit*) of the discussion, namely to reach the truth via debate (*maḥloqet*). The word *sof* (*finis*) became the 'purpose' of finding the truth, which is for the sake of Heaven, as in the case of Hillel and Shammai.<sup>31</sup> The *maḥloqet* in the case of Korach was not *le-shem shamayim*, but rather an intention to dominate (*serarah*), being a desire to overcome (*ahavat ha-niṣṣaḥon*).

## Word of the Living God?

The question remains unsolved, according to Frischmuth, because the statement of why true and false should go back to the living God (*elu we-elū divre elohim hayyim*) is unsolved. Frischmuth's quoting of Abravanel on *Pirquei Avot* 5:17 confirms that *only* by debating can one establish which is the true opinion and which is the false. The truth can be established *only* by analysing the positions of the negotiations of both houses, and therefore the words of both houses are the word of the living God.

Here Frischmuth quotes Lipmann, who quotes<sup>32</sup> the anonymous *Sefer Ḥayyim*, which states that intention is the decisive argument for qualifying the schools of

31 אני שמעתי פרוש, סופה תכליתה המבוקש מעניינה, והמחלוקת שהיא לשם שמים, התכלית והסוף המבוקש מאותה (פרק ה' משנה ו' בפרוש שם) מחלוקת, וזה מתקיים כמ"ש מתוך הויכוח מתברר האמת. (פרק ה' משנה ו' בפרוש שם) See <http://www.daat.ac.il/encyclopedia/value.asp?id1=1169>. I am not sure that Obadiah is deconstructing the text, as Dov Landau put it.

32 Yom Tov Lipmann Muehlhausen, *Liber Nizachon*, 289.

both Hillel and Shammai as acting for the sake of Heaven (*le-shem shamayim*). However, Frischmuth objected to putting the question of whether a good will (*bona intentio*) is sufficient reason to qualify them with such a splendid title (*Ecquid vero bona intentio conferre postet ad id, ut illa tam splendido titulo insigniantur?*). Of course not: only conformity to the truth accords with the divine will. Nobody affirms, so Frischmuth says, that God's will is the contradiction of licit and illicit, pure and impure, unless he convinces himself that there is a known authority figure, like the Jews, who state such 'absurdity.' Yet Lipmann, the author most quoted by Frischmuth, stated that the controversial point is to be found in the explanation and not in the body of the commandment. And so we have the real enemy of the Protestant theologian: the Oral Torah, the explanation of the written text, and hence the authority of the rabbinic schools.

This is not the right place to discuss the Oral Torah as an unwritten teaching (like Plato's?) in contrast to or in consonance with the written text (or the dogmas of Greek philosophy). Frischmuth stigmatises the arch-enemy of the Protestant Reformation, the oral authoritative tradition, as the source of every evil in (the Church's) history. False and true, the dichotomy cannot be in the Written Torah and cannot be in God, but can only be among the alleged authority of the Jews with their absurd commentaries.

## The Jewish Sceptical Attitude

There are many contradictory statements in the Jewish tradition, beginning with the book of Qohelet and continuing throughout rabbinic literature. Frischmuth quotes abundant material from the Talmud, the Midrash, and contemporary scholarly literature, such as the much-quoted Ashkenazic Lipmann Muehlhausen and Sephardic Isaac Abravanel. Yet the interesting aspect of such a position against Judaism is that he only quotes from authors and works that confirm his thesis of sceptical Judaism, leaving out the considerable number of treatises on Aristotelian logic quoted, translated, and commented on by medieval Jewish authors. A century later, in 1766, the scholar Johann Jakob Baur published an examination of the Jewish concern with philosophy, *Structura quaedam ex philosophia Hebraeorum* ('A Stricture of Jewish Philosophy'), a chapter of which is devoted to logic (*Structura quaedam ex logica*).<sup>33</sup> He sustains that nothing is extant from the ancient Jewish preoccupation with logic and that what rabbinic academies used were rules of hermeneutics which were based on logic such as *argumentum a maiore ad minus*, *analogia*, etc. Against Frischmuth's position, he quoted Maimonides,<sup>34</sup> who stated that impossible

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<sup>33</sup> Johann Jakob Baur, *Structurae Quaedam Ex Philosophia Hebraeorum, Maxime Recentiorum Cum Moderna Philosophandi Ratione Conformi. Speciatim Ex Logica Atque Metaphysica* (Tübingen: Schramm, 1766).

<sup>34</sup> *Moreh Nevukhim* III:15, Baur, *Structurae*, XXXIII.

things are excluded from the power of God (*Res impossibiles sive contradictoria ab ipsa potentia Dei O.M. excludi monet*), or, according to Friedlander's translation of this passage:

We have thus shown that according to each one of the different theories there are things which are impossible, whose existence cannot be admitted, and whose creation is excluded from the power of God, and the assumption that God does not change their nature does not imply weakness in God, or a limit to His power. Consequently, things impossible remain impossible, and do not depend on the action of an agent. It is now clear that a difference of opinion exists only as to the question to which of the two classes a thing belongs; whether to the class of the impossible, or to that of the possible.<sup>35</sup>

Frischmuth claims that the negation of principle is not only a philosophical position, but also a typical characteristic attributed to the Jewish temperament (*Sed nunc alia adhuc adducenda sunt, ex quibus patescet, hactenus Iudaeis nihil nos tribuisse, quod ab illorum indole sit alienum*).<sup>36</sup> The reader cannot avoid inferring that the Protestant theologian is looking for an argument for disqualifying Jewish philosophy, as such making it appear to be a 'natural attitude' to contradiction. In attributing a sceptical attitude to Jews, he is carrying on Protestant theology's policy of negating any relationship of the Jewish tradition to philosophy, a project initiated with the Reformation and developed throughout the seventeenth and eighteenth centuries.

To the already known attempt I have presented elsewhere,<sup>37</sup> I would like to add another here. Some years later, in 1704,<sup>38</sup> an anonymous article was published in issue VIII of *Observationes selectae* in Halle, with the title *An Salomon fuerit Scepticus* ('Could It Be That Solomon Was a Sceptic?'). As Martin Mulsow proved, the author of this text was the Lutheran theologian and philosopher Jakob Friedrich Reimann,<sup>39</sup> who, protected by the anonymity of the Halle journal, experimented with 'unorthodox ideas,' as Mulsow stated. His intention is clear: to deny the philosophical characterisation of a biblical figure, or, in his own words: 'It is ridiculous to make philosophers of all the Hebrew Patriarchs' (*ridiculum est ex omnibus Patriarchi Hebraeorum facere philosophos*). 'Philosophers,' for Reimann, means being 'dogmatic.' He treated the book and the figure of Job as prototypes of scepticism because of Job's enquiries into the origin of evil, whether God is to be considered good, his negation of the presence of wisdom and knowledge on earth (very similar to *nil sciri*), etc. He concentrat-

35 Online: [https://en.wikisource.org/wiki/The\\_Guide\\_for\\_the\\_Perplexed\\_\(Friedlander\)/Part\\_III/Chapters](https://en.wikisource.org/wiki/The_Guide_for_the_Perplexed_(Friedlander)/Part_III/Chapters).

36 *De Loco Devt. XVII*, §15: C4r.

37 See the first part of my *Sapienza Alienata. La Filosofia ebraica tra mito, scienza e scetticismo* (Rome: Aracne, 2017): 31–147. An English version with additions will be published in 2018.

38 Jakob Friedrich Reimann, "An Salomo fuerit Scepticus?," *Observationes selectae ad rem litterariam spectantes* 8 (1704): 327–367.

39 Martin Mulsow, "Eclecticism or Skepticism? A Problem of the Early Enlightenment," *Journal of the History of Ideas* 58.3 (1997): 466, n. 5.

ed his attention on Solomon, considering him an Ephectic (ἐφεκτικός, from ἐπέχειν). According to him, Solomon (of Proverbs, the Song of Songs, and of course Qohelet) is by no means a philosopher of the *universalia* (that is, a dogmatic), but of particular things, basing all things on experience and not on logical deductions and inferences. Reimann's real intention is not primarily to characterise the biblical tradition of Solomon as sceptical, but to justify or support scepticism on the basis of biblical exempla. Scepticism is not only the foundation of the modern sciences, but also originates from a new conception of the divinity, which is much more preoccupied with human life than with celestial dogmas. Furthermore, according to him, Judaism is not a philosophy, but it is sceptical in the main.

## Conclusion

The logic of rabbinic discussion is based on a dogma, like the dogma of PNC: the Principle of the Reception of Torah (PRT):

PNC: either false or true

PRT: either received or not

Neither is demonstrable. The debate on the plausibility of PNC or PRT is not proof of the validity of either of them. The discussion will last forever, according to the rabbinic mind, because nobody can claim to resolve the *aporia* of a Written and Oral Torah that is on earth and no longer in Heaven.

God (G) gave the Written and the Oral Torah (OT & WT), i.e. the text and its logical/interpretational rules and tradition at Sinai (legislative moment). He therefore gave every tool for solving every problem. If Rabbi Hillel (RH) and Rabbi Shammai (RS) reached opposite conclusions (C1 and -C1) on the same problem (P), then there are three possible explanations for the opposition, the first two of which were developed by Saadiah Gaon in another context.<sup>40</sup>

- The opposition is because of RH and RS: this is excluded because they are not acting for themselves, but *le-shem shamayim* ('for the sake of Heaven'). They do not have any personal reason for a conflict of interest.
- They are incapable of deciding on or are ignorant of OT & WT: this is also excluded because, according to the rabbinic mind, both the schools of RH and RS and the fundament of rabbinic authority are excellent.
- The contradiction is to be included in OT & WT, i.e. in the work of the lawgivers.

The everlasting debate is, therefore, to be interpreted as an everlasting *aporia*, the impossibility of finding a definitive solution to the problem. The Jewish scholars made a great effort to find a solution to the *aporia* of the everlasting debating be-

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<sup>40</sup> See my article quoted in n. 24.

tween the rabbinic schools. Obadiah of Bertinoro interpreted *sofah lehitqayyem* as ‘the purpose of the truth will be reached,’ in contrast to the philological and philosophical arguments. However, *sofah lehitqayyem* really means ‘at its end (the discussion) will persist.’ The discussion is not a premise of a veritable conclusion, of which there can only be one—the truth—, but it will still exist at its end. The negotiation is only a temporary pause in the process of human life. This would at least explain why both contradictory positions are ‘words of the living God.’ The God of the Jews vividly interferes in the debate, but only the majority can offer a temporary solution to the everyday dilemmas, and ‘temporary’ means that the debate will also be everlasting.

