



SHALOM HARTMAN INSTITUTE מכון
OF NORTH AMERICA שלום הרטמן

Living with Difference: Pluralism, Tolerance and Deviance

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1. Babylonian Talmud, Tractate Eruvin 13b

R. Abba stated in the name of Samuel: For three years there was a dispute between Beit Shammai and Beit Hillel, the former asserting, 'The halachah is in agreement with our views' and the latter contending, 'The halachah is in agreement with our views.' Then a *bat kol* was pronounced: 'These *and* those are the words of the living God; and the law is according to Beit Hillel.' Since, however, both 'these and those are the words of the living God,' what was it that entitled Beit Hillel to have the halachah fixed in agreement with their rulings? Because they were kindly and modest, they studied their own rulings *and* those of Beth Shammai. Moreover, they placed Beit Shammai's words before their own.

2. Babylonian Talmud, Tractate Berachot 10b-11a

Mishnah. Beth Shammai say: in the evening every man should recline and recite [the Shema], and in the morning he should stand, as it says, and when thou liest down and when thou risest up. Beth hillel, however, say that every man should recite in his own way, as it says, and when thou walkest by the way. Why then is it said, "and when thou liest down and when thou risest up"? [this means], at the time when people lie down and at the time when people rise up. R. Tarfon said: I was once walking by the way and I reclined to recite the Shema' in the manner prescribed by Beth Shammai, and I incurred danger from robbers. They said to him: you deserved to come to harm, because you acted against the opinion of Beth Hillel...

R. Ezekiel learnt: If one follows the rule of Beth Shammai he does right, if one follows the rule of Beth Hillel he does right. R. Joseph said: If he follows the rule of Beth Shammai, his action is worthless...

R. Nahman b. Isaac said: One who follows the rule of Beth Shammai makes his life forfeit, as we have learnt: R. Tarfon said: I was once walking by the way and I reclined to recite the Shema in the manner prescribed by Beth Shammai, and I incurred danger from robbers. They said to him: you deserved to come to harm, because you acted against the opinion of Beth Hillel.

3. Maimonides, Introduction to Perek Helek

[...] When a man believes in all these fundamental principles, and his faith is thus clarified, he is then part of "Israel", and we are commanded to love him, pity him, and treat him, as God commanded, with love and fellowship. Even if a Jew should commit every possible sin, out of lust or mastery by his lower nature, he will be punished for his sins but will still have a share in the world to come. He is one of the "sinners in Israel." But if a man gives up any one of these fundamental principles, he has removed

himself from the Jewish community. He is an atheist, a heretic, an unbeliever who “cuts among the plantings.” We are commanded to hate him and destroy him. Of him it is said: “Shall I not hate those who hate You, O Lord?” (Psalms 139:21)

4. Mishna Yevamot 1: 4

Beth Shammai permit brothers to marry by levirate marriage the rivals of women [who are in forbidden degrees of relationship to them]; but Beth Hillel prohibit it.

If such had performed the ceremony of Chalitzah, they are disqualified according to Beth Shammai to marry a priest; but Beth Hillel declare them qualified.

If the brother-in-law had married any of them by levirate marriage, Beth Shammai permit them, in case they had again become widows, to marry a Cohen; but Beth Hillel prohibit it:

Although these declare as invalid and these consider valid, Beth Shammai did not refrain from marrying women from Beth Hillel, nor Beth Hillel from Beth Shammai.

And despite all of the cases of purity and impurity, which these declared pure and these declared impure, they did not avoid engaging in pure things with each other.

5. Tosefta Yevamot 1: 6-13

If these rival women [of women who were of a forbidden degree of relationship to the deceased brother] went and got married:

Beth Shammai say: they are invalid [to the priesthood] and their child is invalid.

Beth Hillel say: they are valid and their child is valid.

If the living brother married them in a levirate marriage:

Beth Shammai say: they are valid and their child is valid.

Beth Hillel say: they are invalid and their child is a mamzer.

R. Yochanan b. Nuri said: come and see, how can this law be observed in Israel?!

If we uphold the words of Beth Shammai, the child is a mamzer according to the words of Beth Hillel!

If we uphold the words of Beth Hillel, the child is disqualified according to Beth Shammai!

Rather let us decree that the rival women will perform chalitza and not the levirate marriage.

They did not manage to seal the matter until the times were troubled.

[...]

Even though Beit Shammai disagreed with Beit Hillel regarding rival wives, sisters, the case of the possibly married woman, the writ of divorce written prior to seclusion, one

who betrothed a woman with the worth of a perutah, and one who divorced his wife and then slept in the same hostel –

Beth Shammai did not refrain from marrying women from Beth Hillel, nor Beth Hillel from Beth Shammai, rather they practiced truth and peace among themselves, as is written “Love truth and peace (Zechariah 8).”

Even though these forbid and those permit, they did not avoid engaging in pure things with each other, to uphold that which is written: “Every person’s path is pure in their own eyes, but God measures the hearts (Proverbs 21).”

Rabbi Simon said: They did not refrain in cases of doubt, but they did avoid cases of certainty.

Under all circumstances the decided law follows the opinion of the House of Hillel. He/she who wishes to impose upon himself/herself a more stringent rule, to follow the rule in accord with both the House of Shammai and the House of Hillel, concerning such a person the following verse is said; [The wise person has his/her eyes in his/her head,] but the fool walks in darkness [Qoh. 2:14]. He/she who latches on to the lenient rulings of the House of Shammai and to the lenient rulings of the House of Hillel is an evil man. But if it is to be in accord with the opinions of the House of Shammai, then let it be in accord with both their lenient rulings and their strict rulings. And if it is to be in accord with the opinions of the House of Hillel, then let it be in accord with both their lenient rulings and their strict rulings.

6. Babylonian Talmud, Tractate Yevamot 13b-14a

Do you imagine that Beth Shammai acted in accordance with their views? Beth Shammai did not act (in accordance with their views.)

R. Johanan, however, said: They certainly acted [in accordance with their views]. Herein they differ on the same point as do Rab and Samuel. For Rab maintains that Beth Shammai did not act in accordance with their views, while Samuel maintains that they certainly did act [in accordance with their views].

Now as to the other who maintains that they did act [according to their views] — should not the warning, *'Lo tithgodedu*, you shall not form separate sects' be applied? — Abaye replied: The warning against opposing sects is only applicable to such a case as that of two courts of law in the same town, one of whom rules in accordance with the views of Beth Shammai while the other rules in accordance with the views of Beth Hillel. In the case, however, of two courts of law in two different towns [the difference in practice] does not matter. Said Raba to him: Surely the case of Beth Shammai and Beth Hillel is like that of two courts of law in the same town! The fact however, is, said

Raba, that the warning against opposing sects is only applicable to such a case as that of one court of law in the same town, half of which rule in accordance with the views of Beth Shammai while the other half rule in accordance with the views of Beth Hillel. In the case, however, of two courts of law in the same town [the difference in practice] does not matter.