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For Heaven's Sake (Podcast): Tolerating the Intolerable

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1. Babylonian Talmud Eruvin 13b

א"ר אבא אמר שמואל שלש שנים נחלקו ב"ש וב"ה הללו אומרים הלכה כמותנו והללו אומרים הלכה כמותנו יצאה בת קול ואמרה אלו ואלו דברי א-להים חיים הן והלכה כב"ה וכי מאחר שאלו ואלו דברי א-להים חיים מפני מה זכו ב"ה לקבוע הלכה כמותן מפני שנוחין ועלובין היו ושונין דבריהן ודברי ב"ש ולא עוד אלא שמקדימין דברי ב"ש לדבריהן

Rabbi Abba said in the name of Shmuel: For three years, the House of Shammai and the House of Hillel argued: These said, "The law follows us," and these said, "The law follows us." A heavenly echo emerged and said, "These and these are the words of the living God, and the law follows the House of Hillel." But if these and these are the words of the living God, why did the House of Hillel merit to have the law established according to them? Because they were forbearing and would learn their own words and the words of the House of Shammai. Moreover, they would put the words of the House of Shammai ahead of their own.

2. Tosefta Sanhedrin 7:1

משרבו תלמידי שמאי והלל שלא שימשו כל צרכן הרבו מחלוקות בישראל ונעשו שתי תורות

Once the students of Shammai and Hillel, who did not serve as they should have, multiplied, arguments multiplied within Israel and there emerged two Torahs.

3. Tosefta Sotah 7:12

שמה יאמר אדם בדעתו הואיל וב"ש מטמאין וב"ה מטהרין איש פלוני אוסר איש פלוני מתיר למה אני למד תורה מעתה ת"ל דברים הדברים אלה הדברים כל הדברים נתנו מרועה אחד כלם א-ל אחד בראן פרנס אחד נתן רבון כל המעשים ברוך הוא אמרן אף אתה עשה לבך חדרי חדרים והכניס בו דברי ב"ש ודברי ב"ה דברי המטמאין ודברי המטהרין

Perhaps someone will say to themselves, "Since the House of Shammai declares impure and (= that which) the House of Hillel declares pure; since so and so prohibits and (=that which) so and so permits, why (how?) should I learn Torah? Therefore the Torah says "the words" rather than just "words" – "These are the words" – all of the words were given by one Shepherd: One God created them all, One Sustainer gave them, that blessed Master of all works said them. You too should make your heart of many rooms and place in it the words of the House of Shammai and the words of the House of Hillel, the words of those who declare impure and the words of the words of those who declare pure.

4. Christine Hayes, *What's Divine about Divine Law? Early Perspectives*, 2015, p. 174

One may be a theoretical pluralist believing in several authentic legal answers but insist that the law must decide on a single practical rule (practical monism). Similarly, one may believe there is a single theoretically correct law, but because it cannot be determined or because of pragmatic considerations, one may allow a variety of practical rulings (practical pluralism). Thus, cases of practical pluralism cannot be adduced as definitive evidence for theoretical pluralism, and cases of practical monism cannot be adduced as definitive evidence for theoretical monism. Rabbinic texts are famously full of controversy and multiple, conflicting opinions, which most scholars agree is indicative of a practical legal pluralism in some cases. But practical pluralism does not tell us whether the rabbis are theoretical pluralists or monists. Do the rabbis understand God's divine law – the Written and Oral Torah – as essentially pluralistic, or do they perceive it as providing in theory a single true of authentic answer to every legal question even if that answer cannot be ascertained at a practical level (resulting in practical pluralism)?

5. Shlomo Naeh, "Make Your Heart of Many Rooms: Another Look at Rabbinic Statements on Dispute," *Renewed Jewish Commitment: On the World and Thought of David Hartman*, 2001 (Hebrew: *Aseh Libecha Hadrei Hadarim: Iyun Nosaf be-Divrei Hazal al HaMachlokot*), pp. 853–6

מטען המשמעות של המלה "מחלוקת" בלשון חז"ל משקף באופן מדויק את מגוון המשמעויות ואת ההתפתחות הסמנטית של אחותה היוונית – "סטסיס". מלה זו שימשה במקורה כמושג בתחום הפוליטי ומשמעותה הרווחת היא מלחמת אחים, פילוג ומאבק פנימי בין שתי קבוצות בעיר אחת או בחברה אחת. משמעות זו נגזרת מן המשמעות הבסיסית של המלה: קבוצה, מפלגה. מן התחום הפוליטי נשאלה המלה לתחום העיוני והיא משמשת בו במשמעות של ויכוח וחילוקי דעות בין חכמים. גם משמעותה היסודית של "מחלוקת" היא קבוצה, אך בספרות חז"ל מתרווחת המשמעות של מלחמת אחים ופילוג. זוהי משמעות המלה בביטוי "מחלוקת קורח ועדתו", על אבשלום אמרו ש"עשה מחלוקת בישראל", מלחמת האחים שהייתה בימי עומרי מלך ישראל נקראת מחלוקת, וכיוצא בזה במקומות רבים מאוד. למעשה כמעט כל ההיקרונות של המלה בספרות התנאים באות במשמעות השאולה המציינת ריבוי דעות בעניין מסוים. ...

המחלוקת במובנה הראשוני של המלה אכן החרידה את החכמים. מחלוקת בית שמאי ובית הלל איימה לפלג את היהדות החז"לית לשני פלגים עוינים.

The meaning of the word “machloket” in the language of our rabbis of blessed memory reflects exactly the connotation and semantic development of its Greek sister term “*stasis*.” This word originally was used as a concept in the political arena, and its widespread meaning is civil war, division and internal struggle between two groups in one city or in one community. This meaning comes from the basic meaning of the word: group, faction. From the political arena, the word was borrowed for the intellectual arena in which is used to refer to debate and differences of opinion between scholars. The basic meaning of the word “machloket” is also a group, but in the literature of our sages of blessed memory, its meaning is widespread as civil war and division. This is the meaning of the word in the phrase “machloket of Korach and his congregation (Avot 5:17); they said about Absalom that he “created machloket in Israel (Midrash Tanhuma Ki Tetze 1); the civil war in the days of Omri king of Israel is called “machloket” (Seder Olam Rabbah 17); and likewise in many other places. In practice, almost all appearances of the word in tannaitic literature refer to this meaning, and only in the Talmuds does the borrowed meaning referring to multiple opinions on an issue become prevalent...

Machloket in its original meaning (civil war), frightened the sages. The struggle between the House of Shammai and the House of Hillel threatened to divide Rabbinic Judaism into two camps.

6. Jeremiah 23:36

וּמִשָּׁא ה', לֹא תִזְכְּרוּ-עוֹד : כִּי הַמִּשָּׁא, יִהְיֶה לְאִישׁ דְּבָרוֹ, וְהִפְכֶתֶם אֶת-דְּבָרֵי אֱ-לֹהִים חַיִּים,
ה' צָב-אוֹת אֱ-לֹהֵינוּ.

And the burden of the Lord you shall mention no more; for every person's own word shall be their burden; and would you pervert the words of the living God, of the Lord of hosts our God?