

Civil Dialogue, With and Without Dialogue: Three Years in the Life of Beit Hillel

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Should civil dialogue ever be not just one value, but a fundamental value? Should a citizen, an activist, or a political leader strive to be both a passionate advocate and a bridge toward unity? *Rodef tzedek* and *rodef shalom*?

For at least the past five years these have been defining questions for Americans generally, and we have struggled with them inside the national Jewish community and local synagogues over a variety of issues. We often hold up Rabbinic Judaism's particular culture of *machloket* as a paradigm we can learn from as Jews today and even teach to our fellow American citizens. Rabbi Yehuda Ha-Nasi's decision to include minority views in the Mishnah; the Gemara's basic moves of exploring disagreements with curiosity, and defining them as carefully and narrowly as possible; and the Beit Midrash culture of debate suggest a promising model. *Chazal* were well aware that these elements did not guarantee unity amidst robust debate. They themselves reflected that certain dynamics of argument can tear the collective apart, as in the *tanur shel Achnai* episode that led to the excommunication of Rabbi Eliezer ben Hyrcanus. Their notion of the *zaken mamre* suggests that *Chazal* were not confident that wide-ranging freedom of speech within the Beit Midrash could simply carry over into the world of practical action in the community. This honesty about their project makes Chazal's reflections on *emet* and *shalom* in the context of *machloket* worth probing for guidance on our situation today.

¹ I want to acknowledge the teachers and groups who have most enabled me to frame this essay. I first learned to look at Talmud in a literary way from Dr. David Kraemer, my teacher at the Jewish Theological Seminary. Harvard Hillel and the Wexner Graduate Fellowship and its alumni community are where I first came to value discussions and community with people who deny what for me are fundamental principles, and the Wexner community has helped and forced me to reexamine and recommit to such discussions time and again. Among my Wexner colleagues, Dr. Shani Bechhofer, Rachel Tessler Lopatin and Rabbi Asher Lopatin, Rachel Sabath-Beit Halachmi, Dr. Chaviva Levin and Rabbi Joe Kanofsky have been important peers and role models for that. Rabbi Josh Feigelson and Dr. Yehuda Kurtzer have furnished so much of my conceptual framework over the years and set an example in their own work and writing. Rabbi Dan Ross has been my Talmud chavruta (study partner) for the past two and a half years, helping me re-enter Talmud with his text skills and interdisciplinary mind. It was Hadar's Ateret Zvi Prize that got me actually to write this. Many congregants of Temple Beth Abraham, our synagogue in Nashua, NH, have heard me explore these issues or forced me to work them out in real life. My colleagues through the Nashua Area Interfaith Council, particularly Rev. Sally Newhall, Rev. Allison Palm, Rev. Kristy Besada, Rev. Kim Hester, and Rev. Michael Reinke have helped me develop whatever courage of these convictions I have.

One Talmudic episode in particular is held up time and again as a guide for civil dialogue and even ideological pluralism in an environment of intense partisan dispute: the three-year debate of Beit Hillel and Beit Shammai, resolved by a divine voice. At first glance, the Talmud simply describes a predicament of tenacious disagreement and recommends a resolution grounded in *middot* rather than ideology. But the brief section of Talmud leaves us hints of more complexity both in the predicament and in the resolution -- and even within the attitudes and behavior of Beit Hillel, which the sugya lays out with praises.² Looking for these nuances and tensions will allow us to see more precisely what aspects of Beit Hillel the Talmud is actually recommending to us. In good Talmudic style, the possibilities of civil dialogue in both theory and practice will be more clearly delimited, at least for the individual citizen or leader if not for the collective as a whole.

In Bavli Eruvin 13b we learn:

אמר רבי אבא אמר שמואל שלוש שנים נחלקו בית שמאי ובית הלל הללו אומרים: הלכה כמותנו, והללו אומרים: הלכה כמותנו יצאה בת קול ואמרה: אלו ואלו דברי אלהים חיים הן, והלכה כבית הלל Rabbi Abba said that Shmuel said: For three years Beit Shammai and Beit Hillel were divided. These said: <i>Halacha</i> is like us, and these said: <i>Halacha</i> is like us. A Divine Voice came out and said: These and these are the words of the living God, and <i>halacha</i> is like Beit Hillel. וכי מאחר שאלו ואלו דברי אלהים חיים, מפני מה זכו בית הלל לקבוע הלכה כמותן מפני שנוחין ועלובין היו ושונוין דבריהן ודברי בית שמאי ולא עוד אלא שמקדימין דברי בית שמאי לדבריהן And if both these and these are the words of the living God, why did Beit Hillel merit to have the <i>halacha</i> established like them? Because they were agreeable and lowly, And they would go over their words and the words of Beit Shammai, And not only that but they would put the words of Beit Shammai before their own words.

² I have been teaching the text at hand for nearly thirty years, in *shiurim* and from the bimah. My own reactions, responses, and insights have changed over that time and have helped me see some of these nuances just in the past few months. The perspective in this essay is not even my only current way of interpreting this text. All of this is how it ought to be with Torah. I have thought about preparing a companion piece sometime tracking the different ways I have spoken and written about this text, especially since 2015.

This is hardly the only passage in tannaitic or amoraic literature that explores the dynamics between Beit Hillel and Beit Shammai. Yet this one is taught frequently in contemporary Jewish life, because of both its brevity and its (at least apparent) ability to be studied on its own, without reference to arcane Talmudic topics or even any specific topic in halacha. There is a standard reading of this sugya, most often taught in the context of modern polemics for religious pluralism within liberal Judaism. The standard reading considers this to be a teaching about *machloket* in general. Usually, we move quickly past the opening setup and focus on the *stam's* explanation of the *bat kol's* proclamation, to derive these lessons about pluralism and the ethics of argument:

1. *Ideological pluralism in the community is divinely blessed.* In many cases, including some fundamental questions, there is more than one true understanding of divine word, will, and law.
2. *Epistemic humility is important even when practical decisions have to be made.* Even debates about core issues in a society that seem irresolvable have to stop at some point and decisions need to be implemented -- but today's resolution or norm is not itself a proof of the ultimate principles offered to support it.
3. *Pluralism is good for both the winner and the loser.* No one has to hang their head. Everyone walks away with an endorsement of the divine truth in their views, in their own and in others' eyes, regardless of whose views are implemented.
4. *Ethics are more important than big-T truth.* It is more important how one conducts oneself in an argument of principle or practice than whether one is right in an ultimate sense.
5. *Ethical behavior points toward truth.* Here the sugya is particularly tantalizing; the opinions of those who debate in a more menschlich way might actually be substantively superior.³

Furthermore, this passage is often taken to be of a piece with all the other reflections on the *machloket* of Beit Hillel and Beit Shammai in the literature of *Chazal*.⁴

Many of us who strive to be engaged bridge builders, within communities or among leaders, start by imagining ourselves playing the role of the *bat kol*, or at least embracing that perspective. From that vantage point, each of the five lessons above is tremendously appealing. Yet the more relevant question for such a bridge builder, planted on earth and not part way to

³ These five points seem to be internally consistent, or at least I am doing my best to present them that way. But it's more than possible to read #4 and #5 as contradictory; they are certainly in tension with each other. That itself may be a clue that what I'm calling the "standard reading" is not sufficient.

⁴ I am making a set of assertions based only on my own experience and reading. I cannot cite any secondary research on the history of interpretation of this sugya, or its role in contemporary polemics, rabbinic education, or adult education to back them up.

heaven, has to be: Who is Beit Hillel? What do *they* experience and believe in the sugya's circumstances, even as they attempt to live up to the account of them given by the *stam*? As it becomes harder in our time to stay out of the partisan fray -- or for others to believe that any engaged Jewish citizen or leader is not a partisan to some degree -- it's Beit Hillel we need to understand, from the inside. And as an account of Beit Hillel, rather than of the *bat kol* or even the commenting *stam*, the five propositions have some limitations and contradictions.

Does Pluralism Explain Beit Hillel?

Let's start with pluralism itself, from the standpoint of an engaged participant in a debate -- a possible Beit Hillel. There are generally two kinds of arguments for pluralism as a matter of ethical principle. One type of argument is that while we should strive for truth, we human beings should never expect to attain it completely. This asymptote opens a space where each of us can accommodate the possible truth within an opposing position.⁵ The second type of argument holds that a community needs principles of social process that are morally prior to the kinds of things we disagree about most vehemently. These prior agreements define the space within which we then may advocate vigorously.

Neither of these accounts of pluralism neatly fit the sugya as we have it in the Bavli. In a parallel passage, the Yerushalmi (Sukkah 2:8) asks the exact same question about the primacy of Beit Hillel over Beit Shammai and offers a subtly different analysis:

א"ר יודה בר פזי שהיו מקדימין דברי ב"ש לדבריהן
ולא עוד אלא שהיו רואין דברי ב"ש וחוזרין בהן

Rabbi Yehuda bar Pazi said: Because they would put the words of Beit Shammai before their own, and not only this if they saw [the merit of] the words of Beit Shammai they would retract their own.

The last clause is the obvious direction to take if one were looking for a way both to praise the moral character of Beit Hillel and to tie their virtues to their search for truth. It's easy to assume this is the plain meaning of our version in the Bavli. Yet the fact that our sugya does not use Rabbi Yehuda bar Pazi's formulation should give us pause. Reciting Beit Shammai's words does not *necessarily* mean Beit Hillel are open to reconsidering their views in light of Beit Shammai's.

⁵ This is classically the argument of John Stuart Mill in chapter 2 of *On Liberty* (1859). Mill's argument for freedom of speech and thought may or may not be tied to his overall utilitarianism, which does not presume any particular highest good. For an account of how a Platonic idealist would make the same case, see for instance Patrick Overeem, "Compromise, Value Pluralism, and Democratic Liberalism", ch. 7 in Christian F. Rostboll and Theresa Scavenius (eds.), *Compromise and Disagreement in Contemporary Political Theory* (Routledge, 2018).

The Talmud and even the more crisp Mishnah know well how to describe a process of give and take that leads one sage or group to change their halachic position. In fact, the best example from the Mishnah is specifically about Beit Hillel and Beit Shammai themselves! The last section of the first chapter of Mishnah Eduyot records the specific back-and-forth leading Beit Hillel to recant their own positions regarding matters of levirate marriage, slaves, and impurity. Whatever the “three-year debate” in our sugya was, the Bavli chooses in our passage *not* to characterize it as a give-and-take. The *bat kol* may be a pluralist in some sense, interested in the validity of what Beit Shammai holds -- but Beit Hillel’s engagement with the words of Beit Shammai must have some other rationale in the Bavli.

The alternative ground for pluralism -- that there are social process values more fundamental than substantive truth values -- has its own problems within a Talmudic world view. Michael Sandel has argued that this kind of pluralism presumes a self that views and values itself separately from and prior to its ends or its conception of truth or the good. Only such a personality would view its own commitments with the detachment required to commit first to a separate set of process values for debating controversies around the good. Sandel argues that there is no way to describe such a moral personality as anything other than a “radically disembodied self.”⁶ Certainly, a religious person or a Talmudic sage would not be such a personality. And if we are talking at all about applying our sugya today to issues of social consequence, a contemporary sage or activist would not hold either their own moral principles or the needs or interests of other people they care about at arm’s length either.

Indeed our sugya itself points us toward a different view of the personality of Beit Hillel. Look at the words that describe the debate itself: הִלְלוּ אֹמְרִים: הִלְכָּה כְּמוֹתֵנוּ, וְהִלְלוּ אֹמְרִים: הִלְכָּה כְּמוֹתֵנוּ. Beit Hillel as much as Beit Shammai use the same words: “the law is *like us*.” This is the Talmudic idiom for holding a position, yes -- but the words also suggest that each school identifies itself with its legal position. This is not just our view; this is *who we are*. Or in Sandel’s terminology, a “radically *situated self*” (emphasis added).

There is no description of an actual argument in the opening of our sugya, no exploring of different positions. Nor is there any hint in this first part of the sugya that Beit Hillel were particularly *nochin* (“calm”) when it came to the debate at hand. Beit Hillel and Beit Shammai appear to be exactly the same in this part of the passage.

The language in our sugya echoes the opening of Mishnah Bava Metzia:

שְׁנַיִם אוֹחֲזִין בְּטִלִית... זֶה אוֹמֵר כָּלָה שְׁלִי וְזֶה אוֹמֵר כָּלָה שְׁלִי
זֶה יֹשֵׁב שְׂאִין לוֹ בָּהּ פְּחוֹת מִחֲצִיָּה, וְזֶה יֹשֵׁב שְׂאִין לוֹ בָּהּ פְּחוֹת מִחֲצִיָּה -- וַיִּחְלְקוּ

⁶ See chapter 1, “Justice and the Moral Subject” in Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge University Press, 1982). Sandel is critiquing the central philosophical account of contemporary pluralism, John Rawls’ *A Theory of Justice*.

Two people are holding fast to a *tallit*.

This one says: All of it is mine, and this one says: All of it is mine....

This one shall swear... and this one shall swear.... -- *and they divide*.

Far from a calm debate, farther still from some kind of parable about pluralistic exploration, our sugya hardly looks like a debate at all. In the words of a classic Monty Python sketch: "Look, this isn't an argument... it's just contradiction!"⁷ So we should consider the possibility that at least for a time during the three years in question, Beit Hillel as well as Beit Shammai are doing nothing more than expressing a position over and over, each clenching their position with emotion.

This may be stretching the *tallit* too far. It might make more sense to say that this is how the debate sounded at the end of three years of fruitless discussion, without changes of view or final resolution. Or perhaps this is how others -- reading about it in the press, so to speak; or other sages outside the two schools -- described from the outside a debate that was actually more nuanced: *Look at them, all they do is argue the same thing over and over, they're both alike*. Even if Beit Hillel in fact had more interesting things to say than Beit Shammai, or a higher ratio of argument to assertion, perhaps this is how the story came down to Rabbi Abba in the name of Shmuel.

Or perhaps the sugya reflects what Beit Hillel feared they had become, after three years of arguing with no end. At the beginning they believed they were engaged in a debate, and they set out to discuss things calmly, in a humble posture, laying out Beit Shammai's words ahead of their own.... and now they seek to find their way back to that.

What about the idea that a pluralistic posture is good for both the winner and for the loser? From the standpoint of the *bat kol*, even the loser saves face. Yet Beit Shammai are the "losers" in this sugya twice -- once because their opinion is not followed, and again as they are chided for conduct unbecoming Talmudic sages. Beit Hillel too exits the sugya in an uncertain place. They have the achievement of the law set by the view, but a repudiation of the superiority of their argument. A pat on the head rather than a ringing endorsement. They must wonder what it is about the truth of Beit Shammai that endures, either to return later or to challenge their own worldview in some way. Is this enough for Beit Hillel? Beit Hillel looks out and sees an opponent rewarded partially in the eyes of heaven for their intransigence. Can Beit Hillel leave with the self-confidence to teach and lead according to their point of view, or are they shadowed by the need to preface their own teachings always with "Beit Shammai teaches....", and to remind their audience that "ours and theirs are both the words of the living God"? Can praise for their character make up for questions about the truth-value of their commitments?

Pluralism gives neither a complete nor the most interesting account of Beit Hillel, even if it remains a plausible account of the *bat kol*. Beit Hillel must have had important reasons for

⁷ "Argument Clinic" sketch, episode 29. *The Complete Monty Python's Flying Circus: All the Words, Volume 2* (Pantheon, 1989), p. 87.

striving to conduct themselves in the way the *stam* explains, other than a constant openness to the possibility that Beit Shammai possessed some divine truth, or a consistent commitment to certain social processes that would allow them to put their own views on hold for a time. Those might be *bat kol* values, but it's hard to see them as Beit Hillel's.⁸

The Ethics of Disagreement Without Actual Argument

At no point in our passage are Beit Hillel described as any less certain, passionate, or committed to their views than Beit Shammai. The *bat kol* in that sense changes nothing about Beit Hillel. It's only the follow-up Talmudic *stam* who suggests that Beit Hillel have different *middot*. I have been characterizing Beit Hillel as working out a dilemma about themselves, in the context of a certain kind of opposition, which I have suggested is Beit Shammai's refusal to actually engage in argument. Beit Shammai suffers in obvious ways in the conclusion of the sugya, but Beit Hillel according to my reading is susceptible to some of the same losses. Of self-regard and self-confidence, because despite the *bat kol*'s endorsement of their view, their "win" is incomplete. Of their deeper self-image too, because without a true *bar plugta*, the temptation is to stop doing what they have been doing, which is to argue halacha in a matter fitting for sages.

So what look in our sugya like process values for debate are in fact *middot* that are just as important to Beit Hillel outside the context of a real-life, real-time discussion with Beit Shammai. Beit Hillel have to speak about Beit Shammai's views because for the time being, this is the only way to keep their own arguments sharp. In order to advocate for their own Torah, for their own view of justice, they have to be able to make the best case, against objections that have substance and questions that are properly challenging. Even if no one is pressing them intellectually or sincerely, but simply showing up to contradict. *Nochin v'aluvim* is not only about how Beit Hillel treat Beit Shammai. It's about how Beit Hillel foreground the substance of their own views, rather than the emotion with which they hold them. It's about how to be more than *hallalu omrim*.

It's true that these same qualities and ethics apply to a situation of actual dialogue. But again, the Talmud is careful here not to suggest that Beit Hillel's *middot* make them more likely to persuade Beit Shammai, or to bring about peace between Beit Hillel and Beit Shammai in the foreseeable future.

⁸ Historically, pluralism may be most important morally as a critical approach rather than as a substantive value. Pluralism can be an activist stance against a strong opponent or a dominant power – a foot in the door, or a hedge against an overwhelming or long-term defeat. Or pluralism can be a tool of a dominant group, a way to buy more time in power or to cast doubt on the principles of a less powerful group. For both sides of such a power dynamic, pluralism can be a play for those still on the fence, an offer of a tentative way in to "our side". Think of who has been making the pluralist case before and after the past U.S. election. Pluralism, paradoxically, is itself often an advocacy position, or at least an advocacy tactic.

A few years ago, I was partial to readings of this sugya that bring Beit Hillel and Beit Shammai closer together and that harmonize our passage with others in the Mishnah and Talmud. Now, I seek a unique reading that sets this particular phase in their arguments apart, and that illuminates a reality where the two schools might be divided for the foreseeable future. A situation where Beit Hillel's world is permeated with Beit Shammai yet where they actually only *debate* from time to time, if at all.

The passage in Eruvin can be seen as a distinct paradigm within the larger story of Beit Hillel vs. Beit Shammai. I noted above Mishnah Eduyot, which describes a reality in which Beit Hillel and Beit Shammai disagree frequently and even in an ongoing pattern, with Beit Hillel ruling leniently and Beit Shammai more stringently. In that reality, division is real yet give-and-take is frequent, and Beit Hillel is open to more than their own ideology. They are willing to change their mind, without any expectation that Beit Shammai reciprocate. Intellectual and ethical reflection are possible; this is the reality as characterized by Rabbi Yehuda bar Pazi in the Yerushalmi parallel to our sugya. The *middot* of Beit Hillel in our sugya are good for that reality -- but our sugya is not about that.

Another phase is described in a long sugya beginning with the mishnah on Yevamot 13a. In a passage worthy of its own analysis,⁹ Beit Hillel and Beit Shammai disagree over a matter of marriage law that implicates *mamzerut*, yet nonetheless both permit their daughters to marry sons of the other group. The Talmud there considers various explanations for this remarkable coexistence. The sugya wonders whether Beit Shammai do not hold their view as a matter of practice, only in theory; or whether each group as a matter of process follows not their own view but that of whichever of the two is dominant or the authority in a particular locale. All attempts to eliminate the *machloket* are rejected, except two. One is that Beit Hillel and Beit Shammai know the wide range of situations where their disagreement does not apply, and notify each other of any specific marriage that might go against the other's holding. The other is that in certain difficult situations, both Beit Hillel and Beit Shammai judge that truth as they are convinced it is, must yield for peace.

For either of these proposed resolutions, the *middot* of Beit Hillel from our passage are good. I used to think that this was the key to our sugya as well -- וְהַשְׁלֹם וְהָאֱמֶת אֶהְיֶה says the Talmud in Eruvin citing Zechariah 8:19. Now I see the sugya in Eruvin as specifically about the situation where both sides are not willing to say they trust the other to "love truth and peace."

In which case, our sugya has to be about something else, a something else that more than the others resembles the world of political conflict we are in right now -- certainly in America, and for American Jews, if not in Israel as well.

⁹ See my teacher David Kraemer's breathtaking treatment, chapter 6 in his *Reading the Rabbis: The Talmud as Literature* (Oxford University Press, 1996).

Rabbi Abba said that Shmuel said: For three years Beit Hillel and Beit Shammai were divided. What was this division about? What would sages disagree about for three years? Just a bit on from our *suyga*, we learn that Beit Hillel and Beit Shammai disagreed about a fundamental theological matter: whether or not the universe would have been better had humans not been created at all. That debate lasted only two and a half years, and it was resolved not by a *bat kol* but a vote. What could merit three years?

Perhaps their debate was about everything, from particular issues of practical halacha to theology -- or like us, it just seemed like the debates had become about everything. We know what we debate about for three years and more -- health care, taxes, the definition of citizenship, the West Bank. At some point within "three years" the debate stops actually happening. All that remains is the holding of positions, without actually bothering to go through the arguments. We know that it takes two sides to have an actual debate, and if one side refuses to engage openly, the other side can easily forget what it means actually to make its arguments.

A Civic Spirituality For Beit Hillel

In fact, the experience of a three-year experience of *hallalu omrim v'hallalu omrim* is fundamentally disorienting. It is hard after that to plant somewhere and begin once again to have an actual debate. And whatever its limits, argument and debate are essential to the project of the Talmudic rabbis, and to all of our political projects as well.

Which leads to one final datum about our Talmudic passage: its overall context. Our section comes far along in a discussion that begins with a mishnah (Eruvin 1:2) about *hechsher mavoy* -- what is required physically to formally constitute a *mavoy*. A *mavoy* is a certain kind of alleyway off a public street, an intermediate space between the public domain and the private that opens to both. The Torah's Shabbat laws forbid carrying an item out of one's private domain into either a public domain or another private domain. The Talmudic *mavoy* is a shared space, connected both to private domains and the public domain, within which all the partners can carry on Shabbat to and from their own private domains.

A *mavoy* has to be created by all the owners of all the courtyards that open into the alleyway. *Hechsher mavoy* -- the formal establishment of a *mavoy* that is fit ("*kasher*") -- requires both the agreement of the partners and a physical enclosure.

Beit Shammai and Beit Hillel disagree about how to mark the enclosure. In the Mishnah that launches the discussion, Beit Shammai require a side post as well as a crossbeam, or according to the interpretation of their view passed on in the name of Rabbi Yishmael by a student of Rabbi Akiva, they require the crossbeam specifically if the alleyway is between four and ten cubits wide. Beit Hillel do not require the crossbeam ever, only the side post. The mishnah includes some back and forth on the question by other rabbis exploring the disagreement -- unusually for the Mishnah, usually the Talmud's role commenting on a mishnah! The Talmud

itself jumps off from this disagreement through many twists and turns far from any alleyway, before coming to our passage about the three-year dispute and the heavenly voice.

Then immediately after our passage, the Talmud returns to spatial structures, by bringing to the discussion a different mishnah (Sukkah 2:7), where Beit Shammai and Beit Hillel disagree over *hechsher sukkah* – the requirements for a fit sukkah. Generally, a sukkah needs to be big enough for *rosho, rubo, v’s hulchano* – a person, most of the person’s body, and the person’s table for eating. Beit Hillel are lenient in the case of a sukkah where the table is inside one’s (permanent) house and not the sukkah. Beit Hillel say to Beit Shammai in this mishnah: Was there not a time when the elders of your school and the elders of ours all visited Rabbi Yochanan Hachoranit, who was eating in sukkah where the table was inside his house, and your elders did not say a word? Beit Shammai respond: Not true! They told the rabbi that if this was his practice then he has never fulfilled the mitzvah of sukkah in his life.

These two bookends – about the *mavoy* and the sukkah – might seem technical at first glance. Yet they give another kind of context for our passage. *Mavoy* is about creating shared space among parties who retain their private property and identity. Particularly for the sake of Shabbat, a time that isn’t regular time but is potentially more joyful, more communal, even a “taste of the World to Come.” The *mavoy* dispute between Beit Hillel and Beit Shammai is about just how much structure, how much boundary, and how much headroom do the parties have to commit to sharing and defining in order to declare “this is shared among us and it opens toward the public.” Beit Hillel, in that discussion, ask a little less to declare the partnership fit, the space common, than Beit Shammai require. Beit Shammai are interested, on one interpretation within the mishnah, in making sure that common space is not too wide.

One way to view the sukkah is as a different idiom for the same thing: a space where people who are strange to one another come to eat or gather temporarily, tentatively – on the model of the tent of Avraham and Sarah in Genesis 18, or the inn they ran in Genesis 21 in the imagination of the midrash.¹⁰ Or as the prophets and rabbis see it, a hint of the Temple where in messianic times all nations will gather as one.

But I am inclined instead to read the Talmud not as equating the *mavoy* and the sukkah, but contrasting them. In the opening mishnah about *mavoy*, Beit Hillel and Beit Shammai actually debate what it means to create a shared space. At the end of the Talmudic section, the sukkah discussion is about a sukkah that in potential is shared, but in this case is not even big enough for all of a single person.

¹⁰ See for instance *Bereshit Rabba*, *Midrash Tanchuma*, and Rashi on Genesis 21:33. Some midrashim imagine the *eshel* planted by Avraham as a rest stop or inn, where sharing food creates the opportunity for brief spiritual inquiry and conversation.. The connection between sukkah and *mavoy* is made at the start of Bavli Sukkot (2a).

In a situation as I have been describing in most of this essay, where Beit Hillel and Beit Shammai aren't actually debating – how important is it for Beit Hillel to create a reality that could fit a table for others who are not showing up? How much of you has to be in *that* sukkah? For Beit Hillel, your head and most of yourself, but not all of you.

Within this wider Talmudic frame, our passage about the posture and behavior of Beit Hillel during the three years of repetitive and fruitless words, leaves far behind the *mavoy* of delimited shared space and points toward the small sukkah for one person alone. Beit Hillel are willing to eat alone in a small sukkah that just hints at what a larger one could be. Beit Hillel sit there alone, bringing most but not all of themselves and setting a table continually, meditating on a time when Beit Shammai might join them.¹¹

That sukkah of one contrasts even with the narrowest *mavoy*. It is how Beit Hillel carry themselves. Protecting themselves by not committing entirely to a common space that could well not be there, but willing to commit some of themselves – *rosh v'rubo*, their head and most but not all of their body.

There is a world, known before and perhaps to come again, where Beit Shammai and Beit Hillel work together to create a common space, bridging their individualities and opening into a shared space, and even potentially the broader public. It's not the current world we are in. One step forward would be something built to a careful scale of "four to ten cubits", preserving all at once each group's identity, some commonality between them, and an opening to the wider public.

For now at the end of our Talmudic passage – and for us today -- the question for Beit Hillel is a sukkah where only they sit, without even a table for themselves, much less room for Beit Shammai. Still, to be Beit Hillel means to bring some part of you into that sukkah. As if it were large enough for a meal, nourishing and presented in a festive way. As a way of preserving themselves for a time when their sukkah will be big enough to accommodate two houses.

¹¹ I can think of one other place where the legal content of a Talmudic *machloket* (dispute) is itself a commentary on the process of *machloket*. The famous "oven of Achnai" incident in Bavli Bava Metzia 59b describes a destructive dispute between Rabbi Eliezer ben Hyrcanus, who is technically correct in the eyes of Heaven, and the rest of the Sages, who go on to excommunicate him. The matter they dispute is about an earthenware oven made up of different pieces that are disassembled, and then one piece becomes impure. The question is whether the pieces can be oven buried in sand separately, purified, and then reassembled into a whole that is pure. The story of the dispute mirrors its subject – can one person who impurifies the whole be temporarily separated and then reintegrated in a way that recreates a whole? I have in the past taught our passage and the Oven of Achnai next to each other but I never thought to connect them this way.

The sukkah is the challenge of carrying on in that spirit while sitting alone, debating with no one. It is important to keep a part of oneself in such a sukkah. It's a mitzvah in our current moment, as well as preparation for the future. Even after three years of fruitless "debate"; even after being convinced your view is endorsed by a divine voice. Should a citizen, an activist, or a political leader strive to be both a passionate advocate and a bridge toward unity? *Rodef tzedek* and *rodef shalom*? When it's possible, certainly. But even in a time and place when it's hard to find a partner in argument – even to imagine such a true argument – the ethics and the spirituality of the civil argument are still a way of advocating and chasing after *tzedek*. We owe what we advocate and those for whom we advocate our best, calmest, most generous arguing. We have to continue to hold ourselves and act as though *eilu v'eilu divrei Elohim chayim* – that others' words matter -- even if the only one giving voice to others' words is you yourself.

Glossary

bar plugta -- Aramaic for the parties to a debate

bat kol – literally a "daughter of a voice", a voice bringing an announcement of words that originate in heaven or with the Divine

Bavli, or Talmud Bavli – the Babylonian Talmud, edited in the 6th century C.E., weaving together views of the rabbis of the preceding centuries through real and imagined discussions among them

Beit Hillel and Beit Shammai – the House or School of Hillel, and the House or School of Shammai; the disciple schools following Hillel and Shammai the Elders, who taught in the first century B.C.E.

hechsher – the requirements for something to be *kasher*/kosher or "fit", or the ruling that the item in question is in fact *kasher*

mavoy – an alleyway into which different courtyards open, which itself opens to a public street

middot – virtues or ethical-spiritual qualities

Mishnah – the first compendium of Jewish law after the destruction of the Second Temple, edited by Rabbi Yehuda Ha-Nasi in the Galilee around 200 C.E.

rodef shalom/rodef tzedek – literally, one who "chases after" peace or justice, alluding to Deuteronomy 16:18 ("justice, justice shall you pursue") and Psalm 34:14 ("seek peace and pursue it")

shalom – peace, wellbeing, wholeness

stam – the anonymous narrator or voice of the Talmud, who makes statements or asks questions or raises objections; separate from the words of the specific sages quoted by name

sugya – a complete unit of Talmudic argumentation

Sukkah – a temporary booth covered by a roof of vegetation where one eats during Sukkot, the biblical Festival of Booths

tallit – a scarf or wrap or shawl, sometimes specifically for the purpose of attaching the fringes (*tzitzit*) described in Numbers 15

Talmud – a work exploring and jumping off in many directions from the Mishnah, often in what seems like free association; contains legal and analytical explorations, legends and general wisdom, and biblical interpretation

tzedek – justice

Yerushalmi, or Talmud Yerushalmi – the Jerusalem Talmud or the Talmud of the Land of Israel, edited in the 5th century C.E.

zaken mamre -- a “rebellious elder” who teaches against the established practice; Talmudic law discusses how much of what we would call the parameters of “academic freedom” and the line between theoretical exploration and heretical advocacy