

ON HALAKHIC TOLERANCE AS IT EVOLVED: AN EARLY AND FORGOTTEN DISAGREEMENT BETWEEN BEIT SHAMMAI AND BEIT HILLEL

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The Talmudic sources contain two narratives about Johanan ben ha-Horoni, a disciple of Beit Shammai who lived in the late Second Temple period. M Sukkah 2:7 relates that he was lenient like Beit Hillel on one matter, while T Sukkah 2:3 attests that he was stringent like Beit Hillel regarding another matter. Comparison of the two sources indicates, albeit without certainty, a fundamental disagreement between the two schools. The Sages of Beit Shammai ruled that a disciple from their school who acted in accordance with Beit Hillel did not fulfill the requirements of the law, while the Sages of Beit Hillel were of the opinion that anyone who consistently followed the rulings of either school acted properly.

My proposed reconstruction of the disagreement between the two schools may facilitate a new understanding of why Beit Hillel also taught the dicta of Beit Shammai in their Mishnah. In the light of this reconstruction, we may also surmise that the exposition by R. Elazar ben Azariah in T Sotah 7:12: 'You, too, make separate rooms in your heart, in which you introduce the words of Beit Shammai and the words of Beit Hillel, the opinion that declares impure and the opinion that declares pure', solely reflects the opinion of Beit Hillel. The same holds true for the *bat kol* (heavenly voice), cited in both the Babylonian and Palestinian Talmuds: 'both [the opinions of Beit Shammai and Beit Hillel] are the words of the living God'. A trace of this disagreement might remain in the nucleus of Samuel's explanation in BT Eruvin 13b: 'Why was Beit Hillel entitled to have the Halakhah established in accordance with their opinion? Because they were kindly and modest, they studied their teachings and those of Beit Shammai, and they even mentioned the teachings of Beit Shammai before their own', which is exemplified with M Sukkah 2:7. In time, however, this disagreement was forgotten, apparently intentionally, as is evident from several editorial interventions. The successors of Beit Hillel adopted the fundamental stance of their disputants and maintained that the Halakhah followed only Beit Hillel, and one who accepted the rulings of Beit Shammai did not fulfill his obligations.

It seems that the original disagreement between the schools arose regarding the question of halakhic tolerance, under the influence of the personal temperament of the schools' heads, their positions regarding conservatism or innovation and plurality of opinion, their social and religious thought, and perhaps also their differing perceptions as to whether the relative or absolute truth of Halakhah. The historical situation in which Beit Shammai and Beit Hillel were active, too, most likely impacted their views on this issue. The above disagreement in M Sukkah was conducted while the Temple still stood, and Beit Shammai was usually dominant in this early period. We may therefore reasonably conclude that the tolerant approach of the sages of Beit Hillel was also influenced by their desire to embrace the disciples of Beit Shammai such as Johanan ben ha-Horoni, who decided, on their own initiative, to accept the Halakhot of Beit Hillel. It was only to be expected that the sages of Beit Shammai, in contrast, would oppose their students' defection, and declare that the leniency of Beit Hillel was not halakhically acceptable. Later on, however, when the sages of Beit Hillel had the upper hand, their students and successors adopted views less tolerant of Beit Shammai and at times even forcefully opposed to it.