

Pluralism, Integrity, and Community: You Can't Have them All, Part 1

by Rabbi Ethan Tucker

I. Introduction: Our present moment

Many of the greatest challenges of contemporary Jewish life revolve around the desire to bring together Jews of disparate practices and beliefs. This has always been so. Certainly since the dawn of the rabbinic tradition, Jews have been arguing over key matters of Jewish practice and commitment even as they have still attempted to create community with one another.

And yet, for all that this is an old problem, it is in many ways more acute than ever before.

We live in a globalized age. People communicate with one another across vast divides of space. Just as study was made more accessible by the transfer of rabbinic learning from an oral medium to a written one, so too our current digital age increasingly allows each person and each community to access wisdom and opinions on their own terms, unmediated by authority figures. Whatever authority there may be is weak and at best persuasive, rather than coercive, this being especially true for Jews who live in liberal democracies. Contemporary Jews are thus not just exposed to wide-ranging Jewish practice and commitment, but they live in proximity to it. In fact, not only close friends, but parents, children, siblings and even spouses are often divided by practices and commitments. Homogenizing forces are few; diversity is the norm. We live in as robust a culture of Jewish disagreement as there has ever been.

Many Jews—especially those who live in the 21st century American Diaspora—live in a culture that prizes personal autonomy. That culture values choice, the quest for individual meaning, and the fundamental right of each individual to follow through on personal commitments with consistency and integrity, not subject to judgments or restrictions offered or imposed by others. Even in an increasingly secular age, many tenaciously cling to the notion that a person's integrity remains sacred. The very notion of freedom of conscience and thought that powers liberal democracies also sustains the notion that a person should never be forced to violate their own principles, including those that emerge from a religious frame of reference. The notion of autonomy in many ways conflicts with the central role that *mitzvot* play in Jewish life, which is to limit and shape personal choice. Nonetheless, the fact of this culture's existence

means that many committed and practicing Jews are less willing than ever before to bend their own understanding of how things should be done.

Finally, we also live in an age of unprecedented interconnection that deceptively conceals unprecedented loneliness. Jews have always been defined by their group identity; the Torah is incoherent as a blueprint for life without a community in which to practice and for which to take responsibility. Today we might say that human beings are eager to seek out these connections more than ever before—whether they realize it or not—and Jews are no exception. The desire for community runs deep and is of great spiritual urgency.

My argument in this essay is that these ground conditions set up unavoidable conflicts as Jews with conflicting opinions on Jewish practice try to live out their principles consistently, while attempting to create community with one another. My aim is to define the underlying values of these conflicts more precisely, to ground them thoroughly in the Jewish tradition, and thereby to light the way for more productive discussions and policies in the Jewish communal sphere.

II. Framing the problem with three values: Pluralism, integrity and community

We can most honestly and authentically address the challenge we face in our contemporary moment by naming three distinct values that compete with one another, and by understanding how they interrelate. While the terms I will use here—Pluralism, Integrity and Community—are rich words with multiple meanings in different contexts, I will define them very specifically for the purposes of our discussion.

A. Value #1: Pluralism

The first value is what I will call “pluralism”, defined as follows: **Pluralism is the commitment to the simultaneous coexistence of conflicting forms of Jewish practice.** Sometimes this value stems from a conservative impulse to preserve ancestral practice. If two Jews emerge from different communities with different traditions, forcing one to conform to the norms of the other

requires betrayal of a patrimony. Why should one interpretation of Torah be forced to knuckle under to another, and on what basis? With respect to this sort of dynamic of conflicting practices in different communities, the Talmud says: “נהרא נהרא ופשטיה”/“Each river runs in its own bank” (Hullin 18b and 57a).

Minimally, the pluralistic impulse thus does not think it necessary or wise seek to shut down one of two warring interpretations of Torah. Maximally, it may celebrate this multiplicity as giving true voice to the divine and infinite nature of Torah. This value is expressed powerfully by R. Yitzhak Hutner:

פחד יצחק, חנוכה, מאמר ג', ר' יצחק הוטנר, ארץ ישראל/ארצות הברית, המאה ה-20
...כי מרובה היא מדת הבלטת כוחה של תורה שבעל פה המתגלה במחלוקת הדעות, מאשר במקום הסכמת הדעות. כי הלא בהך דאלו ודאלו דברי אלוהים חיים כלול הוא היסוד כי גם השיטה הנידחת מהלכה דעת תורה היא, אם רק נאמרה לפי גדרי המשא ומתן של תורה שבעל פה... מלחמתה של תורה איננה אופן אחד בין האופנים של דברי תורה, אלא שמלחמתה של תורה היא יצירה חיובית של ערכי תורה חדשים, שאין למצוא דוגמתם בדברי תורה סתם.

Pahad Yitzhak, Hanukkah #3, R. Yitzhak Hutner, Israel/United States, 20th c.

...The extent of the power of Oral Torah is emphasized and revealed much more through disagreements than through consensus. Included in the idea [generally stated about the sides of a rabbinic dispute] that “these and those are the words of the living God”, is the fundamental principle that even a rejected *halakhic* opinion is a Torah view, provided it has been articulated within the terms of discourse of the Oral Torah... The battles over Torah are not simply one of many aspects of Torah discourse, rather the battles over Torah constitute the active creation of new Torah values, the likes of which cannot be found in garden-variety Torah teachings.

Halakhic pluralism, writes R. Hutner, gives glory to the Torah in demonstrating how rich is its discourse and how much it is capable of saying. What R. Hutner expresses here about conflicting ideas and interpretations is potentially even more powerfully manifested through conflicting practices. How better to capture that observance is not mere social convention, but the real application of the Torah to our lives, than through dueling conceptions of how *mitzvot* ought to be practiced? The grandeur of a language is in the virtuosity it allows in those who speak it. The full power of music is revealed through harmonies, not just through singing in

unison. Pluralism sees the grandeur of *halakhah* as on display when different Jews translate conflicting, authentic interpretations of Torah into practice.

In many areas, this sort of pluralism is taken for granted. Dominant Ashkenazi practice is not to eat rice on Pesah; Sefaradim do. Different communities have variations on the text of *tefillah* matching their ancestral practices. A wide variety of practices are not uniform even among those rigorously committed to the observance of *mitzvot*. This is often tolerated and sometimes celebrated. This is the value of pluralism at work.

B. Value #2: Integrity

The second value is what I will call “integrity”, defined as follows: **Integrity is the commitment to consistent, uncompromising practice of one’s own sense of what is right.** A person maximizing integrity will never violate that which they understand to be forbidden. Integrity does not allow for weakening one’s own commitments on account of someone else’s frame of religious reference. This value considers a given individual or community’s interpretations of Torah to be paramount in determining their actions. A person must treat as forbidden something they understand to be forbidden.

This notion is already assumed by the Torah, when it discusses the possibility of taking on vows, generally, and Nazirite obligations, specifically. Vows represent an individual’s decision to take on a commitment not shared by others. The one who makes a vow lives in a world in which something is obligatory upon or forbidden to him, despite these same actions or items being religiously neutral to others. One who becomes a Nazirite may not drink wine, cut her hair, or come into contact with the dead, even though these actions are generally permitted to other Jews. The Torah treats such commitments with the force of biblical law, even though they are self-imposed and not obligatory on the rest of the population. Integrity demands that an individual’s obligations are in no way weakened by the fact that others do not share them. There is no ethic of “When in Rome, do as the Romans do.” Even when a Nazirite visits his friend’s home, he may not drink wine with him.

Not only is this a core value that each Jew is expected to pursue individually, but all Jews are expected to watch out for the religious integrity of others, as made clear in the following text:

תוספתא דמאי ב:כג-כד

היה נדור מן הככר ואמ' לו תן לי ואוכלנו אבטיח וניקר ואמ' לו תן לי ואוכלנו יין ונתגלה ואמ' לו תן לי ואשתנו לא יתן לו שאין מאכילין [את האדם] את האסור לו כיוצא בו לא יושיט ישראל אבר מן החי לבני נח ולא כוס יין לנזיר שאין מאכילין את האדם דבר האסור לו...

Tosefta Demai 2:23-24

If one vowed not to eat a certain loaf of bread and said, “give it to me, so I can eat it”... one may not give it to him, for one may not feed a person that which is forbidden to him. Similarly, a Jew may not hand over a limb torn from a live animal to a Gentile, nor a cup of wine to a Nazirite, for one may not feed a person that which is forbidden to him.

Vows and Nazirite obligations, while completely irrelevant to anyone other than the one who took them on, become the responsibility of other Jews as well. Jews are even responsible to ensure that Gentiles keep the laws we expect of them, such as only eating meat taken from an animal that was already dead. If this is the responsibility of others, it is all the more so incumbent on each individual to maintain consistency in their own practice, even when this may be idiosyncratic in the context of the larger Jewish population.

The value of integrity is grounded in a conviction that consistency is the bedrock of any religious commitment. Compromise may be the more comfortable option in a given situation, but religious commitment demands that one stick to one's principles and patterns of observance. Any weakening of this principle will result in local violations of the law, and threatens to undermine the broader framework of discipline in the observance of *mitzvot*. To the extent that the value of pluralism captures the power of Torah, the value of integrity encapsulates much of what it means to be a consistent servant of God.

We manifest this sort of concern for integrity all the time. In our general culture, omnivores regularly inconvenience themselves in order to accommodate vegetarians. Many Jews observe two days of Yom Tov even when in Israel, where no one else is behaving that way. Perhaps more painfully, rabbis often do not recognize a conversion performed by someone else because it failed to live up to the former's standards. These scenarios all feature the value of integrity at work.

C. Value #3: Community

The third value is what I will call “community”, defined as follows: **Community means being in a relationship with someone in a way that makes you vulnerable to them, dependent on their interpretations and decisions.** Living in community with someone means sacrificing some degree of autonomy. It means blurring the lines between oneself and others in the name of being part of a larger whole. We form community with others when we allow others’ choices and decisions to have consequences for us.

The value of community has always been central to any vision of Torah. *Mitzvot* are not simply pathways of spiritual practice that bring meaning and purpose to the lives of individuals. God’s *mitzvot* are revealed to the Jewish *people*, a collective that is expected to live out the divine will through the society that they create. Individual Jews are thus bound and vulnerable to one another. This is best expressed by the following text:

ספרא בחוקותי פרשה ב פרק ז הלכה ה

"וכשלו איש באחיו"—אינו אומר איש באחיו אלא איש בעון אחיו, מלמד שכל ישראל ערבים זה בזה.

Sifra Be-hukotai Parashah 2 Perek 7 Halakhah 5

“Each man will stumble on his brother”—It does not [mean to] say, “a man will [literally] stumble on his brother,” rather, “a man will stumble on his brother’s sin.” This teaches that all Jews are guarantors for one another.

This text focuses on the joint responsibility of all Jews for one another. If one Jew sins, the records of other Jews are not unaffected. *Mitzvot* are not an “every man for himself” endeavor, but rather a collective enterprise. This principle creates a burden, but not just that: it generates an affirmative imperative to create communities of mutual responsibility, dependence, and vulnerability with other Jews. The ideal vision is one in which Jews pursue *mitzvot* together, not allowing their divergent interpretations of Torah to divide them.

The notion of ערבות/guarantorship demands that we truly bind ourselves to others’ choices and interpretations. This is what I mean by community. One fully shares a community of food with someone when one accepts an invitation to their house and eats the food that one is served—no questions asked—and then reciprocates the following week. The guest treats eating

in the host's house like eating in his own home and their identities and boundaries blur through the shared food. If the host makes an error in the observance of *kashrut*, or if the host holds divergent opinions as to what is kosher, these facts may well be undetectable to the guest, thereby compromising the latter's standards.

Eating together, by itself, is *not* necessarily an indicator that community has been formed around food. When two people eat catered food on paper plates while sitting next to one another, they may be sharing community over conversation and through shared space. But as long as there is no mutual vulnerability and dependence around the food, “community”—in the sense I am using it here—has not been formed with respect to what they are eating. A safe distance has been maintained and the walls dividing them around food have not come down.

Community is perhaps the value of these three that is the most intuitive on a human level. The human desire for connection and the distinctly Jewish yearning for communal endeavors lead many people to the passionate pursuit of community. The instincts to avoid breakaway *minyanim*, to have people eating in one another's homes, to enable all parts of the Jewish community to marry one another by agreeing to shared protocols are personal status and conversion law—these are instincts powered by the value of community. To the extent pluralism glorifies Torah and integrity highlights our service of a higher power, community is the manifestation of a commitment to *Klal Yisrael*—the normative force of the collective of the Jewish people.

III. The problem: Balancing and making difficult choices

When we truly understand these three values, something becomes immediately apparent: **It is impossible to maximize all three of these values simultaneously.** Any effort to create connections between Jews with conflicting practices and beliefs inevitably leads to difficult choices regarding which of these values to prioritize. We can always avoid one another when areas of conflict emerge. On Pesah, Jews who don't eat rice can simply avoid eating with Jews who do eat rice and maintain their communal connections with them in other ways. But increasingly, for the reasons I laid out above, it is impossible for Jews to interact fully with other

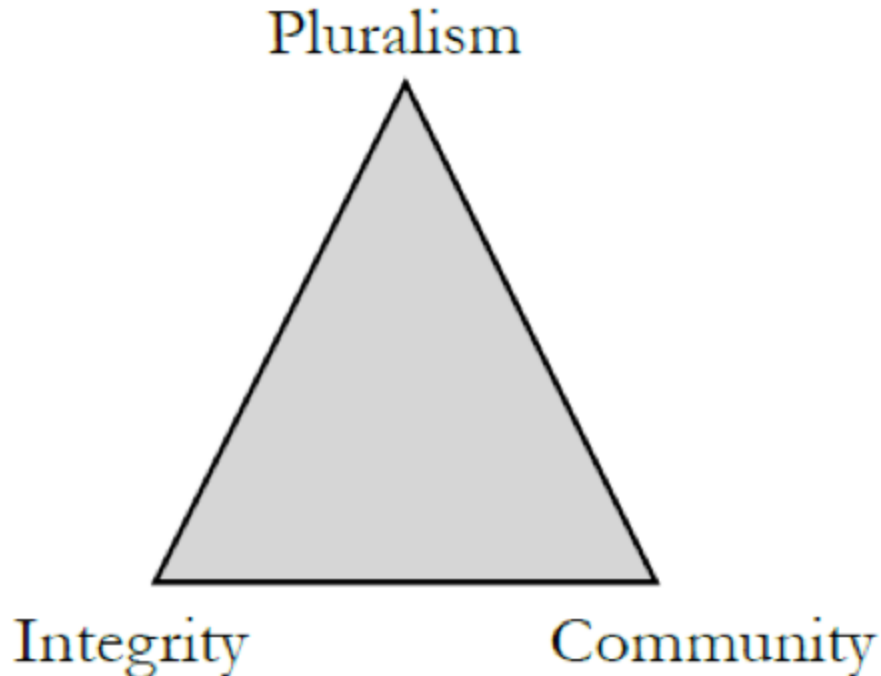
Jews without grappling with these issues more comprehensively. And that requires awareness and sophistication regarding our various options.

So how can Jews juggle these conflicting values of pluralism, integrity, and community when trying to have meaningful interaction in situations of substantive conflict? While all sorts of configurations are possible, it is perhaps simplest to sketch out scenarios where two of these values trump the third:

1. **Integrity and pluralism are primary values that trump any desire for community.** While it is lovely for people to come together around food, the desire to make that happen can never be invoked as authorization to violate one's principles or to force one group to capitulate to another. Each group and its *kashrut* standard have a right to exist. Any sort of joint space that encompasses conflicting *kashrut* standards will irreparably harm the integrity of at least one of them. Therefore, the two groups cannot share one another's food.
2. **Integrity and community are essential, whereas pluralism is not.** Whenever two groups live near and with one another, one will have to buckle under to the other and adopt a uniform *kashrut* standard. The price of admission into the community will ultimately be acceptance of the religious terms of the more dominant group.
3. **Pluralism and community are essential, whereas integrity is not.** The needs to respect different standards and to share food with other Jews are overriding values that justify the occasional violation of one's own religious standards. People therefore will and must live in a certain kind of inconsistent compromise with themselves and their larger community. They will therefore break their own rules in order to attain community with others, either with eyes wide open or by turning a blind eye.

The best graphic representation of this dilemma is a triangle, where each vertex represents one of the core values we have been discussing. The vertices of the triangle represent the full expression of one value at the expense of the other two. The midpoints of the sides represent prioritizing two of the values to the exclusion of the third. The impossibility of maintaining a full commitment to all three values is illustrated by there being no point on the perimeter of the

triangle that is equidistant from all three vertices. All efforts to balance all three values thus take one off of the perimeter, into a messy middle of compromise:



The sides of the triangle thus represent the three basic approaches I outlined above. The left side of the triangle represents jettisoning community in order to maximize pluralism and integrity. The bottom side of the triangle abandons pluralism in order to maintain integrity and community. And the right side of the triangle prioritizes pluralism and community, while being willing to allow for a lack of integrity through inconsistency. Each of these approaches is overly simple. Each quite obviously champions the values it prefers quite powerfully, while ignoring the one it minimizes. Most thoughtful approaches to this issue will find a way to give some weight—whether lesser or greater—to each of these values, producing a practical guide for maintaining integrity, building community and recognizing pluralism, all within limits.

D. Practical Examples

A few practical examples can help make this framework clearer and more intuitive. Let's begin with a scenario that is not specifically Jewish at all. Consider the reasonably common case of a vegetarian and his non-sympathetic, omnivorous grandparents. Each time the grandson attends their home, the grandparents serve a meat meal and generally make their grandson feel uncomfortable if he doesn't eat the main dish. Where the grandson manifests conviction about a plant-based diet, the grandparents cannot see anything but a self-imposed restriction that encourages self-absorption and ingratitude when a guest in a person's home. The grandparents are not going to change any time soon, leaving the grandson with essentially three choices:

1. He can forfeit his integrity and consistency. Though he is deeply committed to vegetarianism and never eats meat otherwise, he deviates from his plant-based diet when visiting his grandparents. He respects their alternative view, and does not wish to change them or alter his own commitments, manifesting his commitment to pluralism in this area. And he still wants to share community with them over food in their home.
2. He can forfeit his commitment to pluralism and cease to be a vegetarian. Recognizing that he cannot change his grandparents, desiring to eat in their home on their terms, and finding it unimaginable that a person would call himself a vegetarian when he occasionally eats meat, he embraces the notion that vegetarianism is not an option for him, given his life variables.
3. He can forfeit community over food with his grandparents in their home. Though he loves them, their divergent commitments and his unwillingness to be inconsistent leave him with one option: not to eat in their home.

All other efforts to evade the difficult choices here are essentially variations on one of the three above outcomes. If the grandparents are persuaded not to serve meat when their grandson comes over—or even if they just provide him with a vegetarian option—this is just another anti-pluralistic solution from their perspective. Instead of the vegetarian needing to compromise, the grandparents must give up on their notion that they have a right to expect that their family will eat what they are served when being hosted by them. This may be reasonable—to many of

us it seems eminently and obviously the right thing to do—but that makes it no less of a victory of one side’s principles over the other’s. Alternatively, the grandson can bring his own food, but this is just another form of failing to have community over food in their home on their terms.

Let’s consider another case, related directly to Jewish ritual practice. Contemporary Jews are divided over what role, if any, gender ought to play in defining the parameters of prayer. Some hold that a *minyan* should consist of any ten Jewish adults and that gender plays no role in determining who is qualified to lead communal prayers. Others hold that only men can count towards the *minyan* and serve as communal prayer leaders. Imagine a Jewish gathering that contains two such groups and wants to deal with the question of coming together for shared prayer on a Friday night. Again, there are essentially three options:

1. There can be compromises on pluralism. The desire of all to come together and to be religiously consistent may drive the search for a compromise system that all can endorse. For instance, the group might decide that women will lead Kabbalat Shabbat, the introductory psalms, and men will lead Arvit, the evening service. Those insisting on male leadership of the service agree to endorse the notion that the rules around Kabbalat Shabbat might be more lenient. Those insisting that gender should not be a factor nonetheless concede that a man is eligible to lead and thus agree to a convention that will split leadership of the two parts of the service between men and women. The old divergent systems are abandoned, this new arrangement—perhaps coupled with a requirement that services only proceed with a super-quorum of ten men and ten women—is embraced consistently by all, and all can now pray together on Friday nights. In fact, the new policy may lead to a merging of prayer services along these lines at other times as well, bringing the two formerly divergent groups closer together.
2. There can be compromises on integrity and consistency. Most of the time, the two perspectives on gender play out in incompatible ways. The parallel *minyanim* generated by these two perspectives cannot be reconciled and operate in defiance of the principles of the other. Nonetheless, the value of community is extremely strong and the desire to pray together, at least sometimes, feels overwhelmingly important. Members of the various groups therefore simply agree that they will occasionally be inconsistent and violate their own principles. Friday night prayers will switch off

between all-male and gender-blind modes of leadership, and all will agree to come every week.

3. There can be despair on the possibility of attaining community through prayer, given commitment to pluralism and integrity. Since neither side has the desire (or the power) to get the other side to abandon all or even part of its position, and since no one is willing to violate their principles in an *ad hoc* way, the community determines that public prayer will have to take place in two groups at all times.

Each of these possible solutions has significant benefits and significant costs. Any decision in these sorts of contexts prioritizes at least one of the core values we have been discussing over the others. In fact, the most recent example of this sort of tradeoff can be found in the politics and decisions surrounding egalitarian prayer at the Kotel Plaza. Close attention to the discussions reveals that precisely the dynamic we are discussing here characterizes the divergent parties to the dispute. The rabbi of the Kotel's preference throughout was an anti-pluralistic solution that would maintain integrity and community at the Kotel Plaza. Only one kind of prayer would be officially allowed at the Kotel—one in which ten men are required for a *minyan* and only men lead public prayers—and the entire space, open to all, would operate by these rules. By contrast, the recently brokered deal gave up on a shared communal prayer space, establishing all-male *minyan* spaces and gender-blind *minyan* spaces. This was done in the name of pluralism and out of an unwillingness to force either side to be inconsistent about their commitments.¹ Finally, another group is critical of the deal for not finding a way to maintain pluralism and community by asking people to compromise somewhat on their integrity. Feeling that the overarching value is to maximize the number of Jews who can pray together in a shared space, this group encourages egalitarian groups to accept limits on their practices when coming to the Kotel to pray and asks the dominant rabbinic authority structure to look the other way and to be as expansive as possible in its interpretation of Jewish law, so as to allow non-Orthodox forms of prayer some manifestation in the Kotel Plaza.

¹ Another version of this approach is voiced by those who want to remove public prayer from the Kotel Plaza altogether. Feeling this to be a crucial site for the entire Jewish people, and the impossibility and undesirability of getting Jews to agree on the parameters of Jewish prayer, this group advocates for treating the site like a national park. This gives up on community through prayer in favor of a different mode of sharing the space.

Having laid out this general theory of values, we will now turn to the rabbinic sources that show us these tradeoffs in action.

IV. Can dueling paradigms coexist?

As we noted above, it is a relatively low level of tolerance to allow another group with a divergent practice to exist. But is true coexistence possible, with the two groups really living together, their divergent judgments affecting one another?

A. Beit Shammai and Beit Hillel on levirate marriage

The Mishnah discusses just such a case, in the context of marriage and lineage. Serving as background to this *mishnah* are the laws of *yibbum*/levirate marriage, which are laid out in Devarim 25:5-10. The Torah there rules that when a man dies childless, his surviving brother (also called the levir) must marry his widow and have a child with her to carry on the name and the line of the deceased husband. If the brother does not wish to marry his sister-in-law, then the ritual of *halitzah* is performed, whereby the levirate bond is released and the widow is free to marry other men. *Halitzah* functions as a kind of divorce and thus renders the woman ineligible to marry a *kohen* in the future; this is a rabbinic extension of the Torah's prohibition, in Vayikra 21:7, on marriages between *kohanim* and divorcees.

Yibbum however, is a high-stakes endeavor. Though Devarim treats levirate marriage as virtually obligatory, Vayikra 18:16 makes clear that marrying one's brother's wife is generally forbidden under penalty of *kareit*/spiritual excision. If one rules that a levirate bond *never* existed in a given case, thereby exempting a given woman from *yibbum* or *halitzah*, one also thus marks her as strictly *forbidden* to her brother-in-law under the rubric of a brother's wife. And if a relationship was nevertheless consummated in such a case, there is a consequence beyond just breaking the law: A woman who has a forbidden sexual relationship is classified as a *zonah*, Vayikra 21:7's term for the sexually promiscuous woman who may not marry a *kohen*.

One of the main ways the levirate bond would not exist is if the widowed woman is related to her brother-in-law in another way. For instance, if there are two brothers, Reuven and Shimon, it is permissible for Reuven to marry Shimon's daughter.² However, if Reuven then died childless, no levirate bond forms between Shimon and Reuven's widow, since they are father and daughter. They remain as forbidden to one another as they always were, and *yibbum* and *halitzah* do not come into play. We can now understand the dispute in our *mishnah*:

משנה יבמות א:ד

בית שמאי מתירין הצרות לאחים, ובית הלל אוסרים. הלצו: בית שמאי פוסלין מן הכהונה, ובית הלל מכשירים. נתיבמו: בית שמאי מכשירים, ובית הלל פוסלין...

Mishnah Yevamot 1:4

Beit Shammai permit the co-wives to the brothers; Beit Hillel forbid. If they performed *halitzah* [the ritual of formal release from the levirate bond], Beit Shammai disqualify such women from later marrying a *kohen*; Beit Hillel validate them to do so. If a co-wife consummates a levirate marriage, Beit Shammai validate her to marry a *kohen* [if the levir subsequently dies]; Beit Hillel disqualify her from doing so...

Beit Shammai and Beit Hillel debated over the limits of the power of this female relative to prevent the levirate bond from forming. What about a case where Reuven had two wives, one of whom was Shimon's daughter and one of whom was another, entirely unrelated woman? According to Beit Shammai, while no levirate bond can form between Shimon and his daughter, there *is* a levirate bond between him and his daughter's co-wife. All the normal rules therefore apply. The levir is allowed to marry the co-wife, and if he does not, he *must* perform the *halitzah* ritual to release her from that bond. If he marries her, her status remains untainted and, if widowed by the levir, she can marry a *kohen*. If *halitzah* has been performed, she is then forbidden to marry a *kohen*, as is the case with all women thus released from the levirate bond.

Beit Hillel, by contrast, ruled that the presence of a female relative of Shimon's among the wives of the dead brother Reuven wipes out the levirate bond with *all* of the co-wives. We treat the entire household unit here as part of Shimon's extended family. Since there is no levirate

² Neither the Torah nor rabbinic law forbids a man from marrying his niece. In fact, such marriages were extremely common until comparatively recently, when Jews were affected by mores in the broader society that treated such relationships as unseemly or forbidden.

bond, Shimon is *forbidden* from marrying his daughter's co-wife, who is his sister-in-law. If he does so, she becomes a *zonah* and may never marry a *kohen*, even if widowed by the levir. If Shimon performed *halitzah* with his daughter's co-wife, such a ritual would be legally meaningless and the co-wife would still be eligible to marry a *kohen*.

Tosefta Yevamot 1:8-9 spells out a further difference between these dueling paradigms:

תוספתא יבמות א-ה-ט

הלכו צרות אילו וניסו: בית שמיי אומרים... הולד פסול, בית הלל אומרים... הולד כשר.
נתיבמו: בית שמיי אומרים... הולד כשר, בית הלל אומרים... הולד ממזר.

Tosefta Yevamot 1:8-9

If a co-wife marries a man other than the levir [without performing *halitzah* first], Beit Shammai says... their child is disqualified [from marrying a *kohen*]. Beit Hillel says... their child is valid [to marry a *kohen*].

If a co-wife consummates levirate marriage, Beit Shammai says... their child is valid [to marry other Jews]. Beit Hillel says... the child is a *mamzer* [and invalid to marry other Jews].

Beit Shammai and Beit Hillel's positions not only have divergent consequences for the women involved, but also for their offspring. First, *kohanim* may not marry the children of any sort of forbidden relationship. Therefore, someone who follows Beit Hillel's ruling, and thereby allows the widow of a childless man to remarry without *halitzah*, not only violates Beit Shammai's law but produces a child who is tainted by that improper marriage. Second, as we noted above, *yibbum* operates in a high-voltage binary space: A man and his brother's wife are *either* linked by a levirate bond that must be consummated or released *or* they are biblically forbidden to one another, on penalty of *kareit*/excision. In rabbinic understanding, this means that any children from the forbidden union of a man and his brother's wife are *mamzerim*, children who bear an indelible, heritable lineal taint. Neither they nor their offspring can ever marry Jews of untainted lineage. Therefore, one following Beit Shammai's license for levirate marriage in the case of a daughter's co-wife would not only violate Beit Hillel's law but also produce *mamzerim*, who are ineligible to marry any Jews of untainted lineage.

B. The Tosefta: Difficult choices and divergent strategies

Disagreements over the application of the levirate laws can thus quickly lead to dramatic consequences for entire populations. Beit Shammai and Beit Hillel, via their divergent rulings would quickly be challenged with a massive problem. Beit Shammai would regard many people in Beit Hillel's sphere of influence as unfit to marry the *kohanim* under their own sway. Beit Hillel would have the same problem, in addition to the fact that they would regard many people in Beit Shammai's sphere of influence to be *mamzerim* and thus unfit to marry at all.³

Revisiting our framework above, these two camps would have a stark choice:

1. Might they just walk away from one another, abandoning the possibility of any kind of joint community as played out through marriage?
2. Might one of them agree, in the name of the community, to renounce their own position and to adopt the standards of the other?
3. Might they live a religiously inconsistent life, minimally turning a blind eye when confronting practical conflicts between their two legal approaches?

In fact, we have a few reports from the Tannaitic period that indicate competing strategies for dealing with this conflict. Consider the following excerpted passage from the Tosefta:

תוספתא יבמות א:ט-יג

...אמ' ר' יוחנן בן גורי בא וראה היאך הלכה זו רווחת בישראל לקיים כדברי בית שמיי הולד ממז' כדברי ב"ה אם לקיים כדברי בית הלל הוולד פגום כדברי בית שמאי אלא בוא ונתקין שיהו הצרות חולצות ולא מתיבמות ולא הספיקו לגמור את הדבר עד שנטרפה שעה אמ' רבן שמעון בן גמליאל מה נעשה להם לצרות הראשונות

...אף על פי שנחלקו בית שמיי כנגד בית הלל בצרות... לא נמנעו בית שמיי לישא נשים מבית הלל ולא בית הלל מבית שמיי אלא נהגו האמת והשלום ביניהן שנ' האמת והשלום אהבו אף על פי שאילו אוסרין ואילו מתירין לא נמנעו עושין טהרות אילו על גב אילו לקיים מה שנ' כל דרך איש זך בעיניו ותכן לבות ה' ר' שמעון או' מן הספק לא היו נמנעין אבל נמנעין הן מן הודיי

לעולם הלכה כדברי בית הלל

הרצה להחמיר על עצמו לנהוג כדברי בית שמיי וכדברי בית הלל על זה נאמ' הכסיל בחשך ילך

³ R. Elazar already notes this asymmetry of concern in Tosefta Yevamot 1:10.

התופס קולי בית שמיי וקולי בית הלל רשע

אלא אם כדברי בית שמיי כקוליהון וכחומריוהון אם כדברי בית הלל כקוליהון וכחומריוהון

Tosefta Yevamot 1:9-13

...Said R. Yoḥanan b. Nuri: Come and see how widespread this *halakhah* has become in Israel! If one fulfills the words of Beit Shammai [and allows the co-wife to marry the levir], the child is a *mamzer* according to Beit Hillel. If one fulfills the words of Beit Hillel [and allows the co-wife to marry another man without *halitzah*], the child is tainted according to Beit Shammai [and cannot marry a *kohen*]. Rather, let us ordain that co-wives should always perform *halitzah* and never marry the levir.

But they did not succeed in settling the matter before the window of opportunity closed.

Said Rabban Shimon b. Gamliel: What should be done for the co-wives of earlier generations [who already followed the practice of either Beit Shammai or Beit Hillel]?

...Even though Beit Shammai disagreed with Beit Hillel about the co-wives... Beit Shammai did not refrain from marrying women from Beit Hillel, nor Beit Hillel from Beit Shammai. Rather, they practiced truth and peace with each other, as it says, “love truth and peace.” Even though these forbid and those permit, they did not refrain from preparing pure foods with one another’s utensils, in order to fulfill what it says, “Each person’s way is right in his own eyes, and God probes the heart.”⁴

R. Shimon says: They did not refrain from doubtful cases, but they did refrain from certain cases.

Certainly, the *halakhah* follows Beit Hillel.

If one wishes to be strict and to follow both [the stringencies of] the words of Beit Shammai *and* the words of Beit Hillel, it is said about such a person: “The fool walks in darkness.”⁵

One who grabs the leniencies of Beit Shammai and the leniencies of Beit Hillel is wicked.

⁴ The Hebrew here is a synthesis of Proverbs 16:2 and 21:2. A more pared down version of this paragraph is found in Mishnah Yevamot 1:4, part of which we cited before.

⁵ The Hebrew here is a slightly different version of a phrase found in Ecclesiastes 2:14.

Rather, if one follows Beit Shammai, one should follow their leniencies and their stringencies, and if one follows Beit Hillel, one should follow their leniencies and their stringencies.

This lengthy passage contains a great deal of material, but we will just highlight a few points. In the first section, we see an effort to preserve community through a classic compromise. If each side agrees to modify their position somewhat, perhaps they can meet somewhere in the middle. R. Yoḥanan b. Nuri proposes that Beit Shammai agree to forbid consummating the levirate marriage of a co-wife, and that Beit Hillel agree to require *halitzah* (and presumably to subsequently forbid those women from marrying *kohanim*). This would ensure that no *mamzerim* are ever created and the communities will remain able to marry one another. His approach is willing to sacrifice pluralism in the name of preserving integrity and community. The “pure” legal positions of Beit Shammai and Beit Hillel are wiped out. Going forward, the whole community consistently follows a single standard—one creatively built out of parts of the earlier positions—and can live together in harmony. This corresponds to the bottom leg of the triangle above.

We are told that this compromise could not be forged before either goodwill or its feasibility expired. The problem solvers among us will naturally ask: What went wrong? Isn't this sort of anti-pluralism often very good medicine for the illness of argument run amok? It seems likely that, as is the case with most proposals of this sort, it is difficult to bridge the principled differences between the two sides. This debate between Beit Shammai and Beit Hillel can hardly be classified as a face-off between leniency and stringency. Indeed, both sides have stringencies and leniencies in comparison to the other. And at root here, are competing values. If Beit Shammai agree to require *halitzah* instead of *yibbum*, are they not selling the dead brother's line down the river? If Beit Hillel require *halitzah* in this case where they feel it is unnecessary, are they not eroding a kinship taboo? A man should not be sleeping with his brother's wife when both that woman and his daughter have shared a marital bed with the same man. Anti-pluralistic strategies like that proposed here by R. Yoḥanan b. Nuri require trampling on at least someone's principles.

R. Shimon b. Gamliel gives us another possible reason for the failure of this grand bargain: It was not sufficiently comprehensive. Since the competing systems had already put facts on the

ground, the consequences of the practices of earlier generations could not be erased. R. Yohanan b. Nuri's proposed solution would never completely wipe the slate clean, so why should Beit Shammai and Beit Hillel have to compromise their pure positions? We see here a resistance to backing down off a pluralistic embrace of competing positions unless the benefits are clear and strong.

In the second section, we are told that Beit Shammai and Beit Hillel refused to maximize pluralism and integrity by going their separate ways. In fact, the plain sense of this report seems to be that, despite maintaining their own legal positions, the value of community was so high that they married one another nonetheless. Whether this was accomplished by turning a blind eye or through knowing abrogation of their own standards, the passage suggests that the imperatives of both truth *and* peace led them to accept the others' judgments. This sounds like a strong form of "full faith and credit," whereby another party's well-intentioned ruling that something is permitted or pure is granted legal standing even for one who would have rendered a judgment of forbidden or impure in the same case. The second proof-text also seems to validate the rightness of a given ruling from each side's perspective, and seems to suggest that God is ultimately concerned with motive and intention, even when legal conflict lies under the surface. In any event, this is evidence of an approach that favors community and pluralism above integrity, whether to a greater or lesser degree. This is represented by the right side of the triangle above.

R. Shimon clearly understood this passage to have these ramifications, because he is quick to qualify it, stating that integrity was not so drastically compromised. According to R. Shimon, Beit Shammai and Beit Hillel did indeed avoid marriages and purity cases that clearly and obviously violated their own principles (indicating that he understood the prior view to include these cases as well). They only refrained from doubtful cases, ones that *might* have led to a compromise of their integrity. This sounds more like turning a blind eye, though still involves some degree of playing on the margins of one's own principles. R. Shimon represents an attempt to sacrifice a little integrity (but not too much) and a little community (but not too much), while leaving a robust pluralism of the various legal positions operational and intact. He already represents a messier position than anything we can find on the triangle's perimeter.

The third section seems to be a hybrid of two perspectives. It begins with a different sort of anti-pluralistic solution: Beit Hillel wins. The statement "the *halakhah* follows Beit Hillel," is an effort to marginalize, if not crush Beit Shammai's position in the long term. In fact, the

sentiment here is played out in more dramatic terms in Talmud Yerushalmi Yevamot 1:6, where it says that the freedom to follow Beit Shammai's position ended when a heavenly voice descended and proclaimed Beit Hillel the victor in their disputes for all time. The Yerushalmi goes on to say that anyone who violates Beit Hillel's words deserves death.⁶ This reflects a sacrifice of pluralism on the altar of community and integrity (in that those who accept an authoritative claim that the *halakhah* follows Beit Hillel are now filled with integrity when following that position, which they now accept as normative). This is just another variant of what it looks like to live on the bottom leg of the triangle.

But the rest of the passage takes us to the triangle's left leg. Here we have a deeply pluralistic respect for the views of both Beit Shammai and Beit Hillel as live options to be followed. This is combined, however, with contempt for those (whether they be foolish or wicked) who try to mix and match their various features. One may choose to follow either Beit Shammai or Beit Hillel, but one must do so with perfect integrity. The unspoken corollary seems clear: The community of marriage between these two groups will dissolve over time. Such is the price to be paid for embracing the true multivocality of Torah and the impossibility of inconsistency when putting God's word into practice.

There is no "right" or "wrong" among the various approaches here. There are only difficult choices and unavoidable trade-offs. The Tosefta helps us see what is at stake here and clarifies that each strategy operates with principles of its own. For those who live on the bottom side of the triangle, the multivocality of Torah stops being beautiful when it interferes, either with consistency of religious practice, or the ability to build community. When such interference occurs, the Torah must be made to speak with one voice, either through creative compromise, or through the force of the majority. For those who live on the left side of the triangle, community is a luxury that is not worth muddling the force of religious obligations, or forcing people to surrender their deeply held understanding of Torah just in order to get along with others. There are times when respect for ourselves and others must prepare us to walk away from those with whom we disagree. Finally, for those who live on the right side of the triangle, integrity and consistency can threaten to be the hobgoblin of small religious minds. If multivocality is part of the Torah's DNA, and if we are serious about living in a covenantal space with all other Jews,

⁶ This seems to derive from a very strong, personality-driven reading of the condemnation of R. Tarfon in Mishnah Berakhot 1:3.

then conflicting interpretations of Torah will, at times, have to hold sway over us and compel some inconsistency in our religious behavior. For those living on the right side of the triangle, occasional compromises on integrity are not a concession to community, but rather a consequence of viewing community as a normative value in and of itself.

C. The Yerushalmi: Paying lip service to integrity

The struggle between these three values of community, integrity, and pluralism continues in the Talmud Yerushalmi's processing of this dispute:

תלמוד ירושלמי יבמות א:ו

אף על פי שנחלקו בית שמאי ובית הלל בצרות... לא נמנעו בית שמאי מלישא נשים מבית הלל ולא בית הלל מב"ש אלא נוהגין באמת ובשלום שנא' והאמת והשלום אהבו. ממזרות בנתיים ואת אמר הכין!...

רבי הילא בשם ר' יוחנן אילו ואלו כהלכה היו עושין. אם כהלכה היו עושין בדא תנינן שלחו להן ב"ש ופחתוה שב"ש אומרים עד שיפחות את רובה. אמר רבי יוסי בי רבי בון עד שלא בא מעשה אצל בית הלל היו בית שמאי נוגעין בו. משבא מעשה אצל בית הלל לא היו בית שמאי נוגעין בו. אמר ר' אבמרי יאות מה תנינן טימאו טהרות למפרע לא מיכן ולהבא.

רבי יוסי בי רבי בון אמר רב ושמואל חד אמר אילו ואילו כהלכה היו עושין. וחד אמר אילו כהילכתן ואילו כהילכתן. ממזרות בנתיים ואת אמר הכין! המקום משמר ולא אירע מעשה מעולם.

Talmud Yerushalmi Yevamot 1:6

Even though Beit Shammai and Beit Hillel disagreed about the co-wives... Beit Shammai did not refrain from marrying women from Beit Hillel, nor Beit Hillel from Beit Shammai. Rather, they practiced truth and peace, as it says, "love truth and peace."

Mamzerut is at stake and you say such a thing?!

R. Ya'akov b. Aḥa in the name of R. Yoḥanan: Beit Shammai would concede where Beit Hillel was more stringent.

But then Beit Shammai would be able to marry women from Beit Hillel, since they conceded to them, but Beit Hillel would not be able to marry women from Beit Shammai, since they did not concede to them! [And since the above report states that they each married women from one another, this cannot be an acceptable explanation of what happened.]

R. Hila in the name of R. Yoḥanan: They each followed the *halakhah*. [I.e., though they had a theoretical dispute, they both followed the approved *halakhah*, that of Beit Hillel.] If they both followed the *halakhah*, [then how do you explain a *mishnah* that records that] Beit Shammai sent someone to widen the hole [in a fixture used for immersion so that it would meet their standards].

Said R. Yose b. R. Bun: Beit Shammai would only deal with cases before Beit Hillel engaged with them. Once a case was brought to Beit Hillel, Beit Shammai would not engage with it.

Said R. Abba Mari: There is no problem. Did the Mishnah say that they retroactively declared pure items [made according to Beit Hillel's standards] to be impure? No! Only from that point forward.

R. Yose b. R. Bun said: Rav and Shmuel [disagreed]: One said they both followed the *halakhah* [i.e. and acted like Beit Hillel]. One said: These followed their *halakhah* and these followed their *halakhah*.

Mamzerut is at stake and you say such a thing?!

God watched over them and a case [that would have produced a problem of *mamzerut*] never arose.

The Yerushalmi's main and recurring concern is integrity: How could it possibly be that Beit Shammai and Beit Hillel could have married people who were forbidden to them from their point of view? As we saw, there seems to have been at least one strain of Tannaitic thought that endorsed the plausibility of occasionally compromising one's own standards in the name of community, under the rubric of "loving truth and peace." In our *sugya*, it seems that Shmuel may have taken this approach as well. But the Yerushalmi cannot abide this possibility. It

assumes that if a person maintains a position that something is forbidden, no pronouncement of permission from even the most well-intentioned actor can be allowed to violate their integrity and legal consistency.

Two alternate possibilities are thus introduced. R. Hila and Rav both offer a radical suggestion: Perhaps Beit Shammai never acted on their position at all! Though the debate was robust in theoretical form, Beit Shammai simply conceded to Beit Hillel. Cases that indicate that Beit Shammai acted on their views are dismissed either as being (a) in a case where Beit Hillel had not yet issued a ruling on the matter, or (b) in a case where Beit Shammai were only strict for themselves going forward but without casting aspersions in any way on Beit Hillel's prior contrary judgments. Though this approach seems to strain the primary source material greatly, that strain is a mark of how strong the values in play are. For R. Hila and Rav, both community and integrity are of paramount importance. Pluralism, by contrast, and the desire to maintain competing legal approaches in the same space, was not. They thus marginalize Beit Shammai's position as theoretical and essentially say that they must have buckled under to Beit Hillel's view.

Shmuel, by contrast, maintains that Beit Shammai and Beit Hillel both lived out their halakhic commitments in real time. His isolated statement may well indicate a tolerance of inconsistency and incomplete integrity in the name of the values of community and pluralism. But, as noted, the Yerushalmi cannot tolerate this sort of compromised integrity. Instead, a *deus ex machina* is proposed: God ensured that a problematic outcome never happened.

What should we make of this last resolution? On the one hand, it seems to maximize all three values. Community is preserved as Beit Shammai and Beit Hillel marry one another. Pluralism is preserved, as each group follows its own line of interpretation. And God does the hard work of making sure that integrity is maintained, but without any cost to the first two values. One can read the text as simply informing us that there was a kind of perpetual miracle, wrought by God: Men and women from Beit Shammai and Beit Hillel, respectively, whose status contraindicated one another, simply never got matched up. The dilemma of how to grapple with the other side's standards simply never presented itself.

But a deeper consideration of the passage reveals that this cannot be its real meaning. How would people have known that an inappropriate match never happened? God surely was not delivering weekly reports on the latest matches and their true, concealed family trees.

Remember, this resolution is meant to account for Shmuel's insistence that Beit Shammai and Beit Hillel each practiced their competing legal regimes in full but *nonetheless* married one another without restriction. That means there were real life cases being adjudicated with consistency within the camps of Beit Shammai and Beit Hillel, but suddenly magically not causing a problem when the sub-communal boundaries were crossed. Most important: If we are depending on God's watchful eye, the presumption would seem to be that people are not looking too carefully.

Therefore, it seems more likely that the final line of the Yerushalmi here is a way of articulating the value of "loving truth and peace" in the pious language of integrity. On a formal level, the Yerushalmi is saying, we cannot tell a story of violating religious law (as we understand it) in the name of preserving community. This excessively relativizes Torah and our interpretation of it and threatens to dilute our sense of truly serving God in an absolute way. Not even the noble and high value of community can allow us to endorse a lack of integrity and consistency in this sort of explicit way. But the Yerushalmi's heart—at least while defending Shmuel—is on the right side of the triangle. How does it get there without abandoning integrity? By telling a story that affirms integrity in theory—God would never let us violate our own conception of law—while prioritizing pluralism and community in practice: Beit Shammai and Beit Hillel marry one another and don't ask any questions. If the other side proclaims someone to be of acceptable lineage, then they must be, because God would never have it otherwise. Unlike the Tosefta, which was willing to entertain the notion that Beit Hillel would have married someone from Beit Shammai they knew to be a *mamzer* (according to their rules) in the name of community, the Yerushalmi states that a blind eye was consistently turned and a cover story of integrity was maintained. This offers us one powerful model for balancing our three conflicting values; we will see it return later on in our discussion.

D. The Talmud Bavli: Integrity trumps all

The Talmud Bavli picks up largely where the Talmud Yerushalmi leaves off. The *sugya* dealing with this material is lengthy and complex. We will just look at a few brief excerpts:

תלמוד בבלי יבמות יד-יד:

...רב אומר: לא עשו ב"ש כדבריהם, ושמואל אומר: עשו ועשו...

ת"ש: אף על פי שאלו אוסרים ואלו מתירים, לא נמנעו ב"ש מלישא נשים מב"ה, ולא ב"ה מב"ש;
אי אמרת בשלמא לא עשו, משום הכי לא נמנעו, אלא אי אמרת עשו, אמאי לא נמנעו?... אלא לאו שמע מינה:
לא עשו! לא, לעולם עשו, דמודעי להו ופרשי...
ת"ש: ... ר"ש אומר: נמנעו הן מן הודאי, ולא נמנעו מן הספק; אי אמרת בשלמא עשו, משום הכי נמנעו, אלא
אי אמרת לא עשו, אמאי נמנעו?... ומ"ש מן הודאי? דאיסורא הוא, ספק נמי איסורא הוא! לא תימא מן הספק,
אלא אימא מן הסתם, דמודעי להו ופרשי...

Talmud Bavli Yevamot 14a-b

...Rav says: Beit Shammai did not act on their opinion; Shmuel said: They certainly did. Come and learn: "Even though these forbid and those permit, Beit Shammai did not refrain from marrying women from Beit Hillel, nor Beit Hillel from Beit Shammai." This text makes sense if you say Beit Shammai did not act on their opinion, and therefore Beit Hillel did not refrain. But if you say that Beit Shammai acted on their opinion, why would Beit Hillel not have refrained?... Rather, this proves that Beit Shammai did not act on their opinion!

No, Beit Shammai certainly acted on their opinion, but each group told one another [which women were problematic according to the other's standards] and they distanced themselves [from those].

Come and learn: "...R. Shimon says: They refrained from definite cases but they did not refrain from doubtful cases." This text makes sense if Beit Shammai acted on their opinion; therefore they refrained. But if you say that Beit Shammai did not act on their opinion, why did they refrain?

And what is distinctive about the case of definite doubt, because it presents a prohibition?

A doubtful case presents a prohibition as well!

Don't say "doubtful case", rather say "default case", because each group told one another and they distanced themselves...

The Talmud Bavli, like the Talmud Yerushalmi, cannot stomach the thought of compromising legal and religious integrity, even in the name of community. But unlike the Talmud Yerushalmi, it will not suffice with a *deus ex machina* who will ensure that legal disaster will be averted in all cases. In fact, the logical dynamic here is a dramatic endorsement of the

non-negotiability of integrity. When the Bavli engages the notion that Beit Shammai and Beit Hillel freely intermarried, it initially considers this as proof of the fact that the dispute must have been theoretical. How on earth could they have intermarried freely if the other side was following a contradictory system of lineage and status? Once the Bavli concludes that the evidence clearly shows that Beit Shammai acted on their principles, it is left with only one option: Beit Shammai and Beit Hillel must have kept careful genealogical records that enabled them to avoid problematic marriages! Even R. Shimon’s more conservative position in the Tosefta is reread. The Bavli cannot even fathom that someone would tolerate deliberate violation of a doubtful prohibition! Instead, R. Shimon must be emended to condone only a *presumption* of legitimacy in cases where there is no concrete information to the contrary. As soon as knowledge of a problem emerges, integrity roars to life and blocks any progress towards compromise in the name of community.

“Loving truth and peace” is thus here significantly weakened from a stance of legal compromise to a (still significant) commitment to robust bookkeeping. There is no question, however, that the value of community emerges weaker in the Talmud Bavli: This passage assumes that two groups with deep policy conflicts will in fact be increasingly hampered from fully co-existing. God will not come to the rescue, and the value “loving truth and peace” cannot trump the demands of living a commanded life according to one’s own understanding of the Torah. Interestingly, the value of pluralism remains strong—stronger than it emerged in the Talmud Yerushalmi—and the view rendering Beit Shammai’s position a mere theoretical abstraction is soundly rejected.⁷

We can thus see how the values of community, integrity and pluralism are juggled throughout the rabbinic period. While no perfect resolution is attained, the Talmud Bavli certainly shores up pluralism (the generally assumed legitimacy of maintaining one’s own legal position, even in the face of opposition) and integrity (the obligation to follow one’s own legal approach with consistency), while downplaying community (the necessity of finding a way to allow the

⁷ Bavli Yevamot 14a engages the question of whether the heavenly voice that decided in favor of Beit Hillel in fact shut down Beit Shammai’s pluralistic right to maintain their own opinion. While the Yerushalmi saw this divine intervention as definitive and dispositive of that right, the Bavli legitimates an approach that would ignore the heavenly voice—אין משגיחין בבת קול. That position is mapped onto R. Yehoshua by R. Yirmiyah on Bava Metzia 59b in the context of another divine intervention in legal deliberation. It is provocatively mapped onto the intervention in favor of Beit Hillel here and on Berakhot 52a, Pesahim 114a, and Hullin 44a.

behaviors of others to affect my own). This balance helps set the stage for later conversations around creating community in the context of conflicting practices.