

FOUNDATIONS



Foundations for a Thoughtful Judaism Peoplehood

SOURCES



SHALOM HARTMAN מכון
INSTITUTE שלום הרטמן



CLASS 3 NAVIGATING DIVISIVE COMMUNITIES

Source 1



Deuteronomy (Devarim) 14:1

בְּנִים אַתֶּם לַיהוָה אֱלֹהֵיכֶם לֹא תִגְדְּדוּ וְלֹא תִשְׂיִמוּ קִרְחָה בֵּין עֵינֵיכֶם לְמֵת.

You are children of the LORD your God. You shall not gash yourselves or shave the front of your heads because of the dead.

Source 2



Sifre Re'eh Section 96

”לא תתגודדו”—לא תעשו אגודות אלא היו כולכם אגודה אחת...

“You shall not gash yourselves—*lo titgodedu*”—do not create factions (*agudot*) but rather be one group.

Source 3



Mishnah Yevamot 1:4

אף על פי שאֵלוֹ אוֹסְרִין וְאֵלוֹ מְתִירִין, אֵלוֹ פּוֹסְלִין וְאֵלוֹ מְכַשְׁרִין, לֹא נִמְנְעוּ בֵּית שַׁמַּאי מִלְשֹׂא נָשִׁים מִבֵּית הַלֵּל, וְלֹא בֵּית הַלֵּל מִבֵּית שַׁמַּאי. כָּל הַטְּהָרוֹת וְהַטְּמְאוֹת שֶׁהֵיוּ אֵלוֹ מְטַהְרִין וְאֵלוֹ מְטַמְּאִין, לֹא נִמְנְעוּ עוֹשֵׂין טְהָרוֹת אֵלוֹ עַל גְּבֵי אֵלוֹ.

Though these forbid and these permit, and these disqualify and these make eligible, Beit Shammai did not refrain from marrying women from [the families of] Beit Hillel, nor did Beit Hillel [refrain from marrying women] from [the families of] Beit Shammai. [With regard to] purity and impurity, which these declare pure and the others declare impure, neither of them refrained from using the utensils of the others for the preparation of food that was ritually clean.



Source 4



Babylonian Talmud Yevamot 14a

אמר אב"י כי אמרינן לא תתגודדו כגון שתי בתי דינים בעיר אחת הללו מורים כדברי ב"ש והללו מורים כדברי ב"ה אבל שתי בתי דינים בשתי עיירות לית לן בה אמר ליה רבא והא ב"ש וב"ה כשתי בתי דינים בעיר אחת דמי אלא אמר רבא כי אמרינן לא תתגודדו כגון ב"ד בעיר אחת פלג מורין כדברי ב"ש ופלג מורין כדברי ב"ה אבל שתי בתי דינים בעיר אחת לית לן בה

Abaye said: When we say that the prohibition: "You shall not cut (gash) yourselves" applies, we are referring to a case where two courts are located in one city, and these rule in accordance with the statement of Beit Shammai and those rule in accordance with the statement of Beit Hillel. However, regarding two courts located in two different cities, we have no problem with it. Rava said to him: But the dispute between Beit Shammai and Beit Hillel is considered like a case of two courts in one city, as these two schools of thought were found everywhere, not in any specific place. Rather, Rava said: When we say that the prohibition: "You shall not cut yourselves" applies, we are referring to a case where there is a court in one city, a section of which rules in accordance with the statement of Beit Shammai and another section rules in accordance with the statement of Beit Hillel. However, regarding two courts located in one city, we have no problem with it.

Source 5



Babylonian Talmud Eruvin 13b

אמר רבי אבא אמר שמואל: שלש שנים נחלקו בית שמאי ובית הלל, הללו אומרים הלכה כמותנו והללו אומרים הלכה כמותנו. יצאה בת קול ואמרה: אלו ואלו דברי א-להים חיים הן, והלכה כבית הלל. וכי מאחר שאלו ואלו דברי א-להים חיים מפני מה זכו בית הלל לקבוע הלכה כמותן - מפני שנוחין ועלובין היו, ושונין דבריהן ודברי בית שמאי. ולא עוד אלא שמקדימין דברי בית שמאי לדברין



Rabbi Abba said that Shmuel said: For three years Beit Shammai and Beit Hillel disagreed. These said: The *halakha* is in accordance with our opinion, and these said: The *halakha* is in accordance with our opinion. Ultimately, a Divine Voice emerged and proclaimed: Both these and those are the words of the living God. However, the *halakha* is in accordance with the opinion of Beit Hillel.

The Gemara asks: Since both these and those are the words of the living God, why were Beit Hillel privileged to have the *halakha* established in accordance with their opinion? The reason is that they were agreeable and forbearing, showing restraint when affronted, and when they taught the *halakha* they would teach both their own statements and the statements of Beit Shammai. Moreover, when they formulated their teachings and cited a dispute, they prioritized the statements of Beit Shammai to their own statements, in deference to Beit Shammai.

Source 6



Donniel Hartman, "Pluralism, Tolerance and Deviance," in *The Boundaries of Judaism* (2007), 13–31

In trying to find the balance between the search for commonality and the reality of difference, social structures use three primary categories to assess, classify and ascertain which difference is allowed and which not. These three categories are pluralism, tolerance and deviance...

Pluralism is that category which assigns equal value to certain differing positions. At the foundation of pluralism lies, as Isaiah Berlin states, the recognition that 'human goals are many, not all of them commensurable, and in perpetual rivalry with each other.' Those in a pluralist community are cognizant of the difference among members, but are able to perceive equal value in a multiplicity of positions. While pluralism does not necessitate the acceptance of all positions, and is not to be equated with relativism, it does recognize the possibility of equally valuable though differing goals and values which 'cannot be graded on a scale, so that it is a matter of inspection to determine the highest'..

As distinct from pluralism, tolerance is reserved for difference which one believes to be wrong. As twentieth-century English moral philosopher, Bernard Williams, argues, 'Toleration, we may say, is required only for that which is in principle intolerable.'

This negative appraisal of that which is tolerated, however, need not engender either defensive or punitive measures, but can in certain circumstances activate a response of tolerance which



in essence involves ‘allowing, leaving undisturbed, something which you think is wrong’. The individual in question remains a member, an ‘insider’ in the full sense of the word, a person with whom one shares one’s collective space, despite the disapproval that his or her behaviour may engender.

Once it is recognized that difference is not a passing episode but rather an inherent facet of all social structures, it is precisely tolerance which serves as the foundation for these structures’ survival and viability. What is important about tolerance, as distinct from pluralism, is that it allows fellow members to live together despite not merely differing from each other, but also disagreeing....

Just pluralism has its limits, so too does tolerance. Independent of the question of truth and the significance of debate and disagreement for human development, from a sociological perspective, boundaries must be erected, for ‘each regime of toleration must be singular and unified to some degree, capable of engaging the loyalty of its members’.

There is no viability for social life without some notion of boundaries and limits on the difference which it can accommodate. Without these boundaries it becomes impossible to locate the common core by virtue of which fellow members affiliate with one another and form a social entity.

That which serves to demarcate and govern these boundaries is the notion of deviance. As distinct from difference, which is assessed as tolerable and as such, left alone, deviance is that ‘conduct which is generally through to require the attention of social control agencies—that is, conduct about which “something must be done”’..

The dividing line between deviance and tolerance, and the relationship between them, is, however, far from stable or clear. Further complicating matters is the fact that there is a line of tolerance that often passes through deviance itself, distinguishing between two types of deviance: that which is tolerated, and that which is not. Now, the notion of a ‘tolerable deviance’ seems an oxymoron. Deviance is by definition *that which is not tolerated*. In what sense, then, can we speak of deviance which is?

While many forms of deviance generate upon detection an immediate response, there are in reality many others that communities decided to leave alone. As anyone who has ever crossed the street at a red light in plain view of a police officer can attest, neither all rules nor all violators are treated equally. While functionally tolerated, these un-enforced laws and boundaries serve at least to define what is understood by the community to be correct



behaviour and representative of its values and norms. One of the more interesting and prevalent examples of tolerable deviance is adultery. While universally condemned in almost every moral system, it nevertheless remains generally unsanctioned both legally and even socially...

As distinct from deviance which is tolerated, the intolerable deviant is one whose transgression is considered to so severely contravene communal standards that it constitutes a renouncement of core values and jeopardizes the integrity of shared cultural space. In this case, silence or the closing of the collective eye is neither possible nor desirable, and the community responds in a variety of ways. In its most extreme form, 'doing something' involves expulsion: stripping the deviant of his membership status and severing all personal and collective ties. It is this forsaking and forsaken figure that one can term the 'true outsider'.

Though dramatically compelling, this lone, expelled stranger is in reality exceedingly rare. In the vast majority of instances, deviants, regardless of their crime, remain 'in' the community in the sense that they retain their basic status as members. Full expulsion is carried out sparingly, as a measure of last resort; being branded an intolerable deviant in most instances entails relegation to the *margins* of membership and creates a status which may be termed an 'outsider within.' Through marginalization, basic membership status is retained, yet fundamentally altered...

A telling example is the legal and social response to different degrees of speeding violations. In an area where the speed limit is 65 mph, it is generally accepted that a 10 mph discrepancy is acceptable. Police do not enforce infractions of a lesser degree and such violations are generally not viewed as deviant at all; they are contained under the categories of pluralism or tolerance or in some cases, possibly, tolerable deviance. Speeding in excess of this 10 mph will generate a legal response in the form of a ticket. This response, however, while constituting 'doing something,' nevertheless does not generate intolerable status, but still falls under the classification of tolerable deviance. The fine is not associated with, and does not carry with it, any social stigmatization or marginalization... This is not the case, for example, with an individual who exceeds the speed limit by 30 mph or is caught driving under the influence of alcohol or drugs. Such an individual is taken off the road, an act which begins the process of status change, and the penalty, whether suspension of licence or imprisonment, is intended to redefine the social status of and attitude towards the deviant in question...