

Bethel AME Church
Insights from the Rabbis 2
Class Notes 2/21/21

3. Hillel and Shammai

Hillel and Shammai were both rabbis and leaders of “houses of study,” that is, schools that trained others in the Scriptures. In other words, they had disciples. Both were older contemporaries of Jesus, Hillel dying in roughly 10 AD (when Jesus would have been about 15 years old) and Shammai in 30 AD (when Jesus was just beginning his ministry). Although there is no evidence for it, it is intriguing to imagine the young Jesus debating in the Temple with one or both of these revered teachers. More probable, in his adult ministry Jesus may well have come in contact with their students. And even more certainly, as we will see, Jesus would have been interacting with their teaching in his own thinking about the Scriptures.

As the saying from *Mishnah Avot* indicates, Shammai and Hillel tend to be paired together in rabbinic disputes about the Law. In general Shammai is thought to be more narrow or strict in his interpretation while Hillel is seen as more broad-minded and permissive. For example, in discussing the proper posture in which to say the morning and evening prayers, Shammai teaches that everyone should do it the same way: “In the evening all should recline but in the morning they should stand up.” In contrast, Hillel teaches, “They may recite it every one in his own way” (*m. Berakhot* 1:3). In general, Hillel’s teachings would be followed by the later tradition and he is considered the most important rabbi of his era. (He is also credited with inventing the sandwich, and Jews still make what they call the “Hillel sandwich” at the Passover Seder.)

Scholars often compare Hillel to Jesus, and many trees have been sacrificed on the altar of academic scholarship seeking to analyze the connections between the two. We have seen that a version of the “Golden Rule” was attributed to Hillel: “What is hateful to you, do not do to another; that is the whole Torah, and the rest is commentary. Go and learn” (*Shabbat* 31a). We saw that in fact this idea is not unique to either Jesus or Hillel but is a commonplace in ancient moral teaching.

Hillel has also been compared to Jesus because Jesus is thought to be more lenient in his interpretation of Torah. But as I have argued before, Jesus cannot be so easily pigeonholed. At times Jesus seems to take a more relaxed view of a particular topic, like the Sabbath. At other times he affirms a more narrow view. It was precisely in Jesus’ day that Shammai raised an objection to the commonly held idea that a husband could divorce his wife for almost any reason, a view held by Hillel. The debate centered on the verse in Torah that speaks of a man divorcing his wife because he has found “a shameful thing” in her (Deut. 24:1). Hillel interpreted the vague phrase broadly, to mean anything offensive to the husband, even burning his food (*m. Gittin* 9:10). Shammai argued that the only valid reason for divorce was sexual misconduct. In the gospels Jesus takes the more strict interpretation that seems to side with Shammai.

What matters for our purposes is not to establish whether Jesus is more like Hillel or Shammai, but rather to demonstrate that Jesus fits squarely into first century rabbinic

discussions of the Scriptures. Jesus' teachings do not appear in a vacuum as something completely new and different, but rather they are part of the ongoing Jewish debates and arguments about how God wants us to live, and they have much in common with what other rabbis of his day were saying. To fully understand Jesus, we have to see him in this context of Jewish argument, arguments for the sake of Heaven.

Hillel's descendants were among the founders of rabbinic Judaism, the Judaism that we know today. Saul of Tarsus studied under his grandson, Gamaliel I (Acts 22:3). For the most part the tradition tended to follow the teaching of Hillel, while at the same time preserving dissenting voices such as Shammai's. It is precisely that issue of debate and argument within Judaism that I want to discuss more fully.

What does it mean that the debates between Hillel and Shammai were arguments for the sake of Heaven? The Talmud contains a fascinating pronouncement about this. *"For three years the House of Shammai and the House of Hillel disagreed. These said, 'The legal ruling (halakah: the authoritative interpretation and application of Torah) is in accordance with our teaching,' and those said, 'The legal ruling is in accordance with our teaching.'"* (Note that it is an ongoing debate between the two groups of followers, not simply between two individuals.) *A Divine Voice emerged and proclaimed, 'Both these and those are the words of the living God. However, the legal ruling is in accordance with the House of Hillel.'* (Eruvin 13b). This is an astonishing affirmation of Hillel's teaching. More astonishing, in terms of the point we are exploring, is the statement that even though they disagreed both rabbis were speaking God's word. And yet only one can be followed in practice.

The passage goes on to ask, *"Since both these and those are words of the living God, why were the Hillelites privileged to have the legal ruling established in accordance with their teaching? Because they were kindly and modest, because they studied not only their own rulings but also those of the House of Shammai and because they taught the words of the House of Shammai before their own."* In other words, it wasn't just what Hillel said that mattered, it was also his attitude of humility and kindness that gave force to his teaching. That attitude demonstrated itself not only in his personal demeanor, but also in his willingness to consider and even teach opposing viewpoints.

The Talmud goes on to derive a general principle from this: *"This is to teach you that anyone who humbles himself, the Holy One, blessed be He, exalts him, and anyone who exalts himself, the Holy One, blessed be He, humbles him."* Where have we heard someone say something like that before?

We saw earlier a quote from *Pirkei Avot* that says the world stands on three things: Torah, divine worship/service, and acts of loving-kindness (Hebrew: *chesed*; 1:2). Rabbi Norman Lamm says that these function as a kind of three-legged stool supporting the world, and if one of the legs is weak, the stool will not hold. So *chesed*, steadfast love, is essential to support our worship of God and our study of Torah. Debate and argument about Torah are an important and necessary element in the Jewish community, but Rabbi Lamm says that debate becomes corrupt and ineffective if it is not done with "a healthy dose of *chesed*." He cites a passage in the Talmud that comments on Proverbs 31:26: an exemplary woman will have a "*torah of chesed*" on her tongue. This is usually translated

more generally as a “teaching of kindness,” or “faithful instruction.” But the rabbis take the phrase literally and argue that if there is a *torah* of kindness then there can also be a *torah* of unkindness, a *torah* without *chesed* (*Sukkah* 49b). There can be selfish and destructive ways of studying and debating and using *torah* just as there can be loving, constructive ways, says Rabbi Lamm (*Genesis*, pp. 59-61). The Talmud affirms that the House of Hillel prevailed not simply by the force of its arguments but because theirs was a *torah* of kindness, a *torah* of humility, a *torah* of love.

Interestingly, in terms of the specific debate between Hillel and Shammai about divorce, although Hillel “won” the debate in the sense that the rabbis followed his ruling, Shammai’s words were not forgotten or ignored. As time went on, the rabbis chipped away at the husband’s absolute right to divorce and added more and more restrictions to what he might claim as the grounds for a divorce. They recognized that Shammai’s teaching was in some sense also God’s word, that divorce is not a good thing and must not be practiced indiscriminately. So they preserved the debate not to say that Hillel was right and Shammai was wrong, but rather to allow the words of both teachers to continue to stimulate thought and reflection on a very complex issue. In order to hear and accept Hillel’s view one also has to listen to Shammai’s and think about why he argued the way he did. Both teachers were arguing for the sake of Heaven.

A personal note: when I was assigned a paper on this issue a long time ago in seminary, I was intrigued by two things. First, that with respect to the Law Jesus did not sound as “liberal” as many Christians were claiming him to be. Jesus took a pretty hard line on this issue and many others. He didn’t make the Law easier for people to follow. (We will talk more about this more in the next section.)

Second, I was fascinated to learn that Jewish rabbis in Jesus’ day were debating the issue in similar terms. I had been taught to think of Jesus as unique, bringing divine teaching from on high that challenged all of those misguided and hypocritical Jewish teachers around him and demonstrated how poorly they understood the Scriptures. Here Jesus is agreeing with the House of Shammai, and like a good Jewish rabbi argues his interpretation of one verse in Torah (Deut. 24:1) by quoting another verse in Torah (Gen. 2:24). This was my first glimpse of a completely different Jesus from the one I had been taught in church, a Jewish Jesus who was not at odds with Judaism but very much a part of it.

It also puzzled me a little that such a well-respected rabbi like Hillel could be so loose when it came to the Law, partly because I had been led to believe that all those Jewish Pharisees were strict legalists. How could a thoughtful rabbi be so casual in his attitude towards divorce? Most commentators put this down to the blatant sexism of a patriarchal society that gave a man free rein with respect to his wife. And perhaps that was true, I thought, but the Catholic Church had always taken a hard-line stance opposing divorce and their leadership is not exactly an example of “woke” egalitarianism. More recently, some have even argued that Hillel was actually trying to protect the woman’s reputation by not branding a divorced woman automatically as an adulteress, but Amy-Jill Levine thinks this is a modern rationalization. I can’t presume to know exactly what was in Hillel’s mind on this issue since we only have his words. But the fact that those words were preserved in the

context of a debate means that we are forced to look at both sides of the issue, and from time to time we may see things in a whole new light because of the rabbis insisting that “both these and those are the words of the living God.”

As I discovered in my study, the Bible itself contains more than one perspective on divorce. After the return from the Babylonian exile, Ezra actually forces the Judeans who have intermarried with non-Jews to divorce their spouses (Ezra 10). While there may have been some good reasons for this at the time, it also seems like a pretty harsh thing to do. The prophet Malachi, writing in the same general time period and perhaps commenting on Ezra’s actions, strongly condemns divorce as something God hates (Mal. 2:16). In some of the gospel passages, Jesus seems to prohibit divorce entirely (Mark 10:1-9) while in others he seems to allow exceptions (Matt. 19:8-9). Paul affirms a general principle “from the Lord” that Christians should not get divorced, but continues on his own authority to allow an exception for a situation not considered by Jesus, that of a marriage between a Christian and non-Christian. Here Paul is closer to Ezra’s position but even so he says try to stay together. However, if the unbelieving spouse wants to leave, that is okay (1 Cor. 7:10-16). So neither the Bible nor its interpreters have been able to come up with a final definitive teaching about divorce. The debate continues even as we affirm that “both these and those are the words of the living God.”