Agree to Disagree

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Why, in our days, do we disagree so badly? Perhaps it is more accurate to say we do not dare to disagree at all. To disagree means to take another perspective seriously, to accept its challenge to re-evaluate ourselves, and yet, at the end of this intense process, decide to maintain our difference.

We might even say that disagreement and concession are the same journey, with a fork at the end of the road. Such a journey, difficult though it may be, enriches both travelers who turn to the right and who turn to the left with equally improved insight. But true disagreement is rather scarce, and the more important the issue, the rarer the disagreement. What takes its place is a kind of argumentative chatter that is empty because neither side is really interested in what the other has to say. The function of such an argument is not to allow ourselves to be transformed by a new perspective. It is to preserve our status, and our relationships with others who expect us to affirm the locally relevant status quo.

Many arguments in the Jewish world amount to little more than expressions of dismay at

being challenged. Nostalgia for a time when everyone agreed can be heard in both Hareidi
Ashkenazic and Modern Orthodox Sephardic circles. We imagine that our ancestors did not have to
put up with the kind of foolishness we do today.

But is this true? The proliferation of sects in the Second Temple period easily rivals the
diversity of present-day Judaism, so we have always had to put up with irritating neighbors. But
surely, despite the warnings of Kohelet, some issues genuinely are new? What, for example, of
feminism? Is it not safe to say that ancient rabbis did not have to deal with that? In fact, the world of
our Sages shows an interesting encounter with gender equality, one that is rarely described. Equally
as interesting is the way in which the sages disagreed about it: a full, thoughtful disagreement,
without the panic we associate with gender issues in our own days.

Many students are surprised to discover a tannaitic opinion that women and men are equally
obligated in tefillin (Shabbat 62a, Eruvin 96b). Far from being a fringe position, it was held by R.
Meir and R. Yehudah, two of the most prominent students of R. Akiva. Those who say that women
are exempt from tefillin do so on the basis that they hold that women are exempt from Torah study
(Kiddushin 34b), and it seems clear that R. Meir and R. Yehudah also saw a link between these
mitsvot, holding that women are obligated in Torah study. In the Yerushalmi, we see a female
student of R. Meir:

R. Meir used to teach in the synagogue every Shabbat evening. A woman used to come to
learn from his teaching. Once, he taught a long time. She arrived late to her house and found
the candles already extinguished. Her husband said to her, “Where have you been?” She
said, “Listening to the lecturer.” He said, “I vow this woman won’t come home until she
spits in the eye of that lecturer!” R. Meir saw it happen with ruah hakodesh

(divine
inspiration) and caused himself an eye problem. He [went around] saying, “Any woman who
knows the healing arts of the eye, come and spit [in my eye].” [The woman’s] neighbor said,
“Here’s the solution for your problem! Go make a cure for him and spit in his eye.” She
approached him. He said, “Are you a wise woman who knows eye cures?” She was afraid
and didn’t answer. He said “Spit seven times in my eye and it will cure it.” After she spat, he
said to her, “Go tell your husband: you said just once, but I spat seven times!” His students
said to him, “Our teacher, aren’t you disgracing the Torah? If only you told us, we would
have grabbed [the husband] and beaten him up on his couch and made him concede to his
wife.” He said to them, “Shouldn’t the honor of Meir be no greater than that of his Creator?
For the name of the Holy One, which is written in holiness, at the verse’s instruction is
erased in water [i.e. the Sotah ceremony] in order to bring peace between a man and his wife—the honor of Meir, all the more so [should it be waived to bring peace]!” (Yerushalmi
Sotah 1:4)

There is so much in this story beyond the simple information that at least one of R. Meir’s
students was a woman. We also learn much from the fact that the story does not express any
surprise over the fact that she is female. It is presented as utterly routine. Since Hebrew grammar
does not distinguish between all-male and mixed-gender groups, we are not sure how many other
women are included in R. Meir’s “talmidim.” What we do see is that they like the protagonist of our
story, and are willing to exercise violence to protect her access to learning (a rambunctiousness
which is, incidentally, another well-noted characteristic of R. Meir’s bet midrash; see Kiddushin
33a, Sanhedrin 11a). And what about those teaching in this social circle? In Eruvin

53b, R. Meir's wife Beruriah instructs—and physically disciplines–a student. The picture is clear that in at least one corner of the tannaitic world, men and women were not only putting on tefillin, but teaching and learning alongside one another.

It is fascinating to see how little defensive political chatter was generated by R. Meir, Beruriah, and R. Yehudah, in contrast to our own times. We know, of course, that others disagreed, and indeed outlasted them in the history of halakhic practice. In Sukkah 2b, we see R. Yehudah citing the example of Queen Helene's sukkah to derive a maximum halakhic height. Other sages, who do not believe women to be obligated, reject the validity of any observations about women's sukkot, and say so frankly. But it is fascinating that they are listening, and taking part in the same conversation: It is enough for them that everyone is learned and committed to Torah. They do not need to add political conformity to this requirement. Equally of note is R. Yehudah's reply to them, in which he does not chastise them for their non-egalitarian position, but rather explains why his observations are significant no matter what one's stance in this matter: "She has seven sons; and besides that, never acted except in accordance with the sages."

The debate between R. Yehudah and his colleagues illustrates the importance of true disagreement. It does not necessarily have anything to do with converting others to one's viewpoint. Neither side in Sukkah 2b puts energy into getting the other to concede. Rather, R. Yehudah understands their lack of agreement as an opportunity to enrich his own teaching, to see if he can express it in a way that will be heard even by those outside his echo chamber. For their part, R. Yehudah's interlocutors are enriched by information they would have otherwise discarded, because they did not previously consider it significant.

Imagine what richness of information we can consider when we, too, take disagreement seriously. When we are presented with an opinion from an outlandish person, or from a sector of Jewish practice we typically shun, we could choose to disagree rather than to argue—to give ourselves the gift of absorbing and processing an unfamiliar perspective. A precondition for engaging in quality disagreement would be to abandon the wishful thinking that the diversity of thought which occurs in our own times is so absurd, so out of line that we have no precedent to advise us to engage in meaningful dialogue. We must remind ourselves, not just of Kohelet's famous statement that nothing is new, but that we constantly misdiagnose ancient things as modern:

"Sometimes there is a phenomenon of which they say, 'Look, this one is new!'—it occurred long since, in ages that went by before us" (Kohelet 1:10).