

***“If I am here, then all is here”:  
Towards a Phenomenological Existentialism  
in the Rabbinic Law of Beit Hillel***

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*“Subjective reflection turns in towards subjectivity, wanting in this inner absorption to be truth’s reflection, and in such a way that...where objectivity was brought forward and subjectivity disappeared, so here subjectivity itself is what is left and objectivity what vanishes.”*

—Soren Kierkegaard<sup>1</sup>

*“If I am here, then all is here.”* —Hillel<sup>2</sup>

Perhaps the most central name in rabbinic antiquity, Hillel (c. 60 B.C.E. to c. 20 C.E.) and his affiliated mishnaic and talmudic school (“Beit Hillel”) of nearly four centuries figure predominantly in both aggadic ideals and normative legal decisions within the rabbinic textual tradition. Hillel’s school is principal in Mishnaic debates and enjoys victory as the dominant rabbinic voice in the majority of over 350 legal disputes.<sup>3</sup> In traditional

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<sup>1</sup> Concluding Unscientific Postscript to the Philosophical Crumbs ed. Alastair Hannay (Cambridge: Cambridge UP, 2009), 165.

<sup>2</sup> *bSukka*, 53a.

<sup>3</sup> Standard readings of Beit Hillel initialize the house’s genealogy and extend it through 356 C.E. with the death of Hillel II; see most recently Binyamin Lau, *The Sages, Vol. 1* (Maggid, 2010), 203–239; Alfred J. Kolatch, *Masters of the Talmud: Their Lives and Views* (JD Books, 2003), 220. Most significant scholarly opposition to such a traditional theory can be found in Louis Ginzberg “Significance of the Halacha,” *On Jewish Law and Lore* (Atheneum, 1970). Ginzberg argues that Hillel and Shammai were, in fact, the final Pair (זוג) or “preeminent figures” of legal liberalism and conservatism, respectively, who “figured as the last in the period that began with the first Pair, Jose ben Joezer and Jose ben Johanan” (90) referenced in mAbot 1:4–12. In this sense, Hillel and Shammai are not the founders of their movements, but significant inheritors and closing figures of an

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and modern scholarship, his house's legal rulings have been abstracted as favoring pragmatist, liberal, rationalist, conciliatory, and/or lenient jurisprudence.<sup>4</sup> Historically, the person of Hillel was situated in the second temple era of Herod<sup>5</sup> and is often paired with and pitted against ambient

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office that spanned over 200 years prior to Hillel's death.

- <sup>4</sup> See Norman Cohen *Discovery and Critical Examination of the Philosophic Assumptions of the Jurisprudential Systems of Bet Shammai and Bet Hillel* (Boston University: PhD Dissertation, 1977). In a comprehensive treatment of the two houses' legal systems through an extensive analysis of every known dispute between the houses, Cohen critiques the political, social, and economic theories advanced by Louis Ginzberg, Alexander Guttmann, and Jacob Neusner for their selectivity and oversight in favor of a highly abstract thesis that considers the rulings of Beit Hillel as one that is "this-worldly," overlooking the ideal or mystical realm. Beit Shammai, for Cohen, offers a proto-Kabbalist theory of *halakha*, one in which the law attempts to realize a "metaphysical scheme" (5). For the particular references to the subjects of Cohen's critique, see Louis Ginzberg, "Significance of the Halacha" in *On Jewish Law and Lore* (Atheneum, 1970); Alexander Guttmann, *Rabbinic Judaism in the Making* (Wayne State UP: Detroit, 1970); and Jacob Neusner "Types and Forms in Ancient Jewish Literature: Some Comparisons" *History of Religions*, 11.4 (1972), 354–390. The longer history here that Cohen does not reference is sourced in critical-historicist readings that suggest the two schools align with Saducees and Pharisees, and that Hillel invented the hermeneutic rules, an argument generated and popularized by Reform scholars, to which S.R. Hirsch offered the most cogent response. See Geiger, *Urschrift und Uebersetzungen der Bibel* (1857); Heinrich Graetz, *History of the Jews*, Vol IV (Leipzig: Leinder, 1900); S.R. Hirsch, "A Critical Examination of Dr. H. Graetz's *History of the Jews*?" *Jeschurun*, Vols. II–IV (1855–8); "Articles on Dr. Z. Frankel's *Darkei Ha-Mishnah*" Vol. VII (1860-1).
- <sup>5</sup> See Aharon Kaminka, "Hillel and his Works" (Hebrew) from *Zion* 4:3, 1939, 258–266. Kaminka's essay is one of the first—but certainly not the last—to examine the polemical contrast between Hillel's pacifism and Herod's militarism.