

Drisha Pluralism 8

Source Sheet by Alex Ozar

Mishnah Yevamot 1:4

Up to this point, the discussions were based on the assumption that not only may a forbidden relative not enter into levirate marriage, but her rival wife is also exempt.

However, this issue is subject to a long-standing dispute. **Beit**

Shammai permit the rival wives to the brothers, as they did not accept

the interpretation of the verses that indicates that rival wives are prohibited. **And Beit Hillel forbid**

them. The previous *mishnayot* are in accordance with the opinion of Beit Hillel. If any of the rival wives of the

brother **performed *halitza***, **Beit**

Shammai disqualify her from

marrying into **the priesthood**, as in

their opinion these rival wives were fit for levirate marriage, which

means that the *halitza* was fully

valid. Consequently, they are

disqualified from marrying a priest, like all other women who perform

halitza. **And Beit Hillel deem** them

fit, as they maintain that no legal

act of *halitza* was performed here at

all. If **they entered into levirate**

marriage, **Beit Shammai deem**

them **fit** for the priesthood, as in

משנה יבמות א:ד'

בֵּית שַׁמַּי מְתִירִין הַצָּרוֹת
לְאַחִים, וּבֵית הֵלֵל אוֹסְרִים.
הָלְצוּ, בֵּית שַׁמַּי פּוֹסְלִין מִן
הַכֹּהֲנָה, וּבֵית הֵלֵל מְכַשְׂרִים.
נְתִיבָמוּ, בֵּית שַׁמַּי מְכַשְׂרִים,
וּבֵית הֵלֵל פּוֹסְלִין. אֵף עַל פִּי
שְׂאֵלוֹ אוֹסְרִין וְאֵלוֹ מְתִירִין, אֵלוֹ
פּוֹסְלִין וְאֵלוֹ מְכַשְׂרִין, לֹא נִמְנְעוּ
בֵּית שַׁמַּי מִלְשֹׂא נָשִׁים מִבֵּית
הֵלֵל, וְלֹא בֵּית הֵלֵל מִבֵּית
שַׁמַּי. כָּל הַטְּהוֹרוֹת וְהַטְּמְאוֹת
שֶׁהָיוּ אֵלוֹ מְטַהְרִין וְאֵלוֹ
מְטַמְּאִין, לֹא נִמְנְעוּ עוֹשֵׂין
טְהוֹרוֹת אֵלוֹ עַל גְּבֵי אֵלוֹ:

their opinion, this is a fully legal levirate marriage. **And Beit Hillel disqualify them**, because they engaged in licentious sexual relations as the rival wives of a forbidden relative. § The mishna comments: **Although** Beit Hillel **prohibit** the rival wives to the brothers **and** Beit Shammai **permit** them, and although **these disqualify** these women **and those deem** them fit, **Beit Shammai did not refrain from marrying women from Beit Hillel, nor did Beit Hillel refrain from marrying women from Beit Shammai.** Furthermore, with regard to **all of the** disputes concerning the *halakhot* of **ritual purity and impurity**, where **these rule** that an article is **ritually pure and those rule it ritually impure, they did not refrain from handling ritually pure objects each with the other**, as Beit Shammai and Beit Hillel frequently used each other's vessels.

Yevamot 14a:1-7

Reish Lakish said to him: **Do you hold** that **Beit Shammai actually acted in accordance with their own statement? Beit Shammai did not in fact act in accordance with their own statement**, as the dispute

יבמות י"ד א:א-ז'

מִי סְבִירָתָא עָשׂוּ בֵּית שְׁמַאי
 כְּדַבְרֵיהֶם? לֹא עָשׂוּ בֵּית שְׁמַאי
 כְּדַבְרֵיהֶם. וְרַבִּי יוֹחָנָן אָמַר: עָשׂוּ
 וְעָשׂוּ. וּבְפִלּוּגָתָא [דְרַב
 וְשְׁמוּאֵל]. דְרַב אֹמֵר: לֹא עָשׂוּ

was merely theoretical. **And Rabbi Yohanan said:** Beit Shammai **certainly did act** in accordance with their opinion. The Gemara comments: **And** this is also reflected **in the dispute between Rav and Shmuel, as Rav says: Beit Shammai did not act in accordance with their own statement, and Shmuel said: They certainly did act** in that manner. The Gemara inquires: **When** does this question apply? **If we say** that it is referring to the period **prior to the Divine Voice** that declared that the *halakha* is in accordance with the opinion of Beit Hillel, then **what is the rationale of the one who said that Beit Shammai did not act** in accordance with their opinion? **But rather,** if one would say it is referring to **after the Divine Voice, what is the reason for the one who said that they did act** in accordance with their opinion? After all, the Divine Voice established that the *halakha* is in accordance with the opinion of Beit Hillel. The Gemara answers: Neither of these options poses a difficulty. **If you wish, say** that it is referring to the period **prior to the Divine Voice, and if you wish, say** instead that it is **after the Divine Voice.** The Gemara elaborates: **If you wish, say** it is **prior to the Divine Voice, and** it is

בית שמאי כדבריהם, ושמואל אמר: עשו ועשו. אימת? אימימא קודם בת קול — מאי טעמא דמאן דאמר לא עשו? ואלא לאחר בת קול — מאי טעמא דמאן דאמר עשו? אי בעית אימימא קודם בת קול, ואי בעית אימימא לאחר בת קול. אי בעית אימימא קודם בת קול, וכגון דבית הלל רובא, למאן דאמר לא עשו — דהא בית הלל רובא. ומאן דאמר עשו, כי אזלינן בתר רובא — היכא דכי הדדי נינהו. הכא, בית שמאי מחדדי טפי. ואי בעית אימימא לאחר בת קול, מאן דאמר לא עשו — דהא נפקא בת קול, ומאן דאמר עשו — רבי יהושע היא, דאמר: אין משגיחין בבית קול. ומאן דאמר עשו, קרינן כאן "לא תתגודדו" — לא תעשו אגודות אגודות! אמר אביי: כי אמרינן "לא תתגודדו" — כגון שתי בתי דינים בעיר אחת, והללו מורים כדברי בית שמאי, והללו מורים כדברי בית הלל. אבל שתי בתי דינים בשתי עירות — לית לן בה. אמר ליה רבא: והא בית שמאי ובית הלל כשתי בתי

referring to the period **when Beit Hillel** formed **the majority** of the Sages. Therefore, **according to the one who said** that Beit Shammai **did not act** in accordance with their opinion, the reason is **that Beit Hillel** was **the majority**, and the *halakha* is in accordance with the majority. **And the one who said** that **they did act** in accordance with their opinion maintains that **when do we follow the majority?** It is in a case **where** the disputing parties **are equal** in wisdom **to one another**. **Here**, however, **Beit Shammai** are **sharper** than Beit Hillel, and therefore they acted in accordance with their own opinion despite the fact that they were in the minority. **And if you wish, say** instead that it was **after the Divine Voice**. **The one who said** that Beit Shammai **did not act** in accordance with their opinion would say **that** this was due to the **pronouncement** of the **Divine Voice**. **And the one who said** that **they did do so, this is** in accordance with the opinion of **Rabbi Yehoshua, who said**, with regard to the Divine Voice that emerged and proclaimed that the *halakha* is in accordance with the opinion of Rabbi Eliezer in the case of the oven of *akhnai* (*Bava Metzia* 59b), that **one disregards a Heavenly Voice**. Just as he

דינים בעיר אחת דמי! אלא אמר
רבא: כי אמרינן "לא תתגודדו"
— כגון בית דין בעיר אחת, פלג
מורין כדברי בית שמאי, ופלג
מורין כדברי בית הלל. אבל
שתי בתי דינין בעיר אחת —
לית לן בה.

disregarded the Divine Voice in his dispute with Rabbi Eliezer, so too, one disregards the Divine Voice that proclaimed that the *halakha* is in accordance with the opinion of Beit Hillel. **And** yet the question remains: According to **the one who said** that Beit Shammai **acted** in accordance with their opinion, **we should read here: “You shall not cut yourselves”** (Deuteronomy 14:1), which is interpreted to mean: **Do not become numerous factions.** **Abaye said: When we say** that the prohibition: **“You shall not cut 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, with regard to **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**, with regard to **two courts located in one city, we have no problem with it.**

Yevamot 14a:15-14b:2

§ The Gemara continues to discuss the question of whether Beit Shammai followed their own rulings. **Come and hear** that which is taught in the mishna: **Although Beit Hillel prohibit and Beit Shammai permit**, and these disqualify the women and those deem them fit, **Beit Shammai did not refrain from marrying women from Beit Hillel, nor did Beit Hillel refrain from marrying women from Beit Shammai. Granted, if you say that Beit Shammai did not act in accordance with their opinion, it is due to that reason that they did not have to refrain from marrying women from Beit Hillel. However, if you say that they did act in accordance with their opinion, why didn't they refrain from marrying one another?** The Gemara elaborates: **Granted, Beit Shammai did not refrain from marrying into Beit Hillel**, as even if Beit Shammai

יבמות י"ד א:ט"ו-י"ד ב:ב'

תא שמע: אף על פי שאלו אוסרים ואלו מתירים — לא נמנעו בית שמאי מלישא נשים מבית הלל, ולא בית הלל מבית שמאי. אי אמרת בשלמא לא עשו, משום הכי לא נמנעו. אלא אי אמרת עשו, אמאי לא נמנעו? בשלמא בית שמאי מבית הלל לא נמנעו, דבני חייבי לאוין נינהו. אלא בית הלל מבית שמאי אמאי לא נמנעו? בני חייבי פירות — ממזרים נינהו? וכי תימא קסברי בית הלל דאין ממזר מחייבי פירות — והאמר רבי אלעזר: אף על פי שנחלקו בית שמאי ובית הלל בצרות, מודים שאין ממזר אלא ממי שאיסורו איסור ערוה וענוש כרת! אלא לאו שמע מינה, לא עשו! לא, לעולם עשו,

maintain in a certain case that a rival wife required levirate marriage or *halitza*, if she went ahead and married another man their **children are** born to a union whose partners are **liable by** a regular **prohibition**: “The wife of the dead man shall not be married outside” (Deuteronomy 25:5). Since this transgression does not entail *karet*, the children of this relationship are not *mamzerim*.

However, why did Beit Hillel not refrain from marrying into **Beit Shammai**? In the opinion of Beit Hillel the **children** of these rival wives who entered into levirate marriage are born of a union whose partners are **liable to** receive *karet*, as the prohibition of a brother’s wife was never nullified in this case, which means that the children **are mamzerim**. If so, how could Beit Hillel allow these marriages? **And if you would say** that **Beit Hillel maintain that** the child of a union whose partners are **liable to** receive *karet* **is not a mamzer**, as a *mamzer* is only one whose parents violated a prohibition that entails the death penalty, **didn’t Rabbi Elazar say: Although Beit Shammai and Beit Hillel disagreed** with regard to **rival wives, they concede that a mamzer is only from** a union whose prohibition is a **prohibition of forbidden relations punishable**

דְּמוֹדְעֵי לְהוּ וּפְרָשִׁי. וְהָכִי נָמִי
מִסְתַּבְרָא, דְּקִתְנֵי סִיפָא: כָּל
הַטְּהָרוֹת וְכָל הַטְּמָאוֹת שְׁהִיּוּ
אֵלּוּ מְטַהְרִין וְאֵלּוּ מְטַמְּאִין —
לֹא נִמְנָעוּ עוֹשִׂים טְהָרוֹת אֵלּוּ עַל
גַּבֵּי אֵלּוּ. אִי אִמְרַת בְּשִׁלְמָא
דְּמוֹדְעֵי לְהוּ — מְשׁוּם הָכִי לֹא
נִמְנָעוּ, אֲלֵא אִי אִמְרַת דְּלֵא
מוֹדְעֵי לְהוּ, בְּשִׁלְמָא בֵּית שְׁמַאי
מִבֵּית הַלֵּל לֹא נִמְנָעוּ —
דְּטְמָאוֹת דְּבֵית הַלֵּל, לְבֵית
שְׁמַאי טְהָרוֹת נִינְהוּ. אֲלֵא בֵּית
הַלֵּל מִבֵּית שְׁמַאי לְמָה לֹא
נִמְנָעוּ? טְהָרוֹת דְּבֵית שְׁמַאי,
לְבֵית הַלֵּל טְמָאוֹת נִינְהוּ! אֲלֵא
לֹא דְּמוֹדְעֵי לְהוּ, שְׁמַע מִינְהוּ.

by karet? Consequently, the children of rival wives are *mamzerim* according to Beit Hillel. **Rather, isn't it correct to conclude from here that Beit Shammai did not act in accordance with their own opinion?** The Gemara rejects this conclusion: **No; actually,** Beit Shammai **did act** in accordance with their opinion. As for the problem with these marriages, the answer is **that they would inform** Beit Hillel **and** Beit Hillel would **withdraw** from the match. When those who acted in accordance with the opinion of Beit Hillel would come to marry women from those who followed the rulings of Beit Shammai, they would be notified that certain children were born of rival wives and that those people were considered *mamzerim* in the opinion of Beit Hillel, who therefore declared them forbidden in marriage. The Gemara comments: **And so too, it is reasonable** that this is the case, **as** the mishna **teaches in the latter clause:** With regard to **all of the** disputes concerning the *halakhot* of **ritual purity and impurity, where those, Beit Hillel, rule an article ritually pure and these, Beit Shammai, rule it ritually impure, they did not refrain from handling ritually pure objects each with the other.**

Granted, if you say that they notified them, it is due to that reason that **they did not** need to **refrain** from using their objects. **However, if you say that they did not notify them, granted,** it is logical that **Beit Shammai did not refrain from** handling items belonging to **Beit Hillel, as ritually impure** objects for **Beit Hillel are ritually pure for Beit Shammai,** and therefore no special care is necessary. **However, why didn't Beit Hillel refrain from** touching articles that belonged to **Beit Shammai?** After all, **ritually pure** objects for **Beit Shammai are ritually impure for Beit Hillel.** **Rather, is it not** the case that Beit Shammai **notified** Beit Hillel that these items were ritually pure only in their own opinion, and Beit Hillel separated themselves from them? The Gemara summarizes the discussion: **Conclude from** here that this is the correct interpretation.

Mishnah Sheviit 5:9

A woman may lend to her neighbor who is suspect of transgressing the laws of the sabbatical year, a sifter, a sieve, a hand-mill, or an oven. But she may not sift or grind with her.

משנה שביעית ה':ט'

מְשַׁאֲלֵת אִשָּׁה לְחִבְרָתָהּ
הַחֲשׂוּדָה עַל הַשְּׁבִיעִית נֹפֶה
וְכִבְרָה וְרַחִים וְתַנּוּר. אָבֵל לֹא
תְבוּר וְלֹא תִטְחַן עִמָּהּ. אִשָּׁת

The wife of a haver may lend to the wife of an am ha'aretz a sifter and a sieve and may even sift, grind, or sift flour with her. But once she poured water [over the flour], she may not touch [it] with her, for one may not aid those who commit a transgression. And all these things were only allowed in the interests of peace. They may offer encouragement to Gentiles during the sabbatical year, but not to Jews. In the interests of peace, one may also offer greetings to Gentiles.

חָבֵר מִשְׁאֲלֶת לְאִשְׁת׃ עִם הָאָרֶץ
נֶפֶה וְכִבְרָה, וּבִוֶרֶת וְטוֹחֶנֶת
וּמְרִקֶדֶת עִמָּה. אָבֵל מִשְׁתַּטֵּיל
הַמַּיִם, לֹא תִגַּע אֶצְלָהּ, שְׂאִין
מִחֲזִיקִין יְדֵי עוֹבְרֵי עֲבֵרָה. וְכֵלָן
לֹא אָמְרוּ אֶלָּא מִפְּנֵי דְרֻכֵי שְׁלוֹם.
וּמִחֲזִיקִין יְדֵי נְכָרִים בְּשִׁבְעֵית,
אָבֵל לֹא יְדֵי יִשְׂרָאֵל. וְשׂוֹאֲלִין
בְּשְׁלוֹמָן, מִפְּנֵי דְרֻכֵי שְׁלוֹם:

פסיקתא דרב כהנא י"ב:ט"ז

[טז] מה כת' למעלה מן העינין, פרשת יתרו, מה שהוא מלמד את משה, שנ' ואתה תחזה מכל העם אנשי חיל וגו' (שמות יח:כא), ואחר כך בחדש השלישי, אמר שלמה, לב יודע מרת נפשו (משלי יד:י), לפיכך, ובשמחתו לא יתערב זר (שם). אמ' הקב"ה ישר' היו משועבדים בטיט ובלבנים במצרים ויתרו יושב בתוך ביתו השקט ובטח ובא לראות בשמחת התורה עם בניי, לפיכך, וישלח משה את חותנו (שמות יח:כז), ואח' כך בחדש השלישי וגו' (שם יט:א). ד"א למה כן, דרש משה מקל וחומר, אמ' ומה אם מצוה אחת כשבא הקב"ה ליתן את מצות הפסח אמר כל בן נכר לא יאכל בו (שם יב:מג), עכשיו שהוא בא ליתן את כל התורה לישר' יהא יתרו כאן ויראה אתנו. לפיכך וישלח משה את חותנו וגו' (שם יח:כז), ואח' כך בחדש השלישי (שם יט:א).