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Yevamos Daf 14

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The Mishnah in Megillah (2a) states: The Megillah is read on the eleventh, on the twelfth, on thirteenth, on the fourteenth and on fifteenth of Adar, not earlier than the eleventh and not later than the fifteenth. Rish Lakish said to Rabbi Yochanan: It is written [Devarim 14:1]: *Lo sigodedu*, which teaches us that you should not form separate groups. Why did they allow five different days to read the Megillah; they should have established one day for everyone?

The Gemora interrupts this discussion: Doesn't the verse *Lo sigodedu* teach us the prohibition against wounding oneself while grieving for a dead person? — If so, Scripture should have said: *Lo sigodedu* why did it say '*Lo sigodedu*'? Hence it must be inferred that its object was this. - Might it not then be suggested that the entire text refers to this only? — If so, Scripture should have said: *Lo sagodu*; why did it say '*Lo sigodedu*'? Hence the two deductions.

Rabbi Yochanan responded to Rish Lakish with a question of his own: Why didn't you ask from the Mishnah in Pesachim (50a)? The Mishnah states: A place where the custom was to do work on Erev Pesach until midday, one is permitted to do work; a place where the custom was not to do work on Erev Pesach until midday, one should not do work. Shouldn't there be a concern here on account of forming two separate groups?

Rish Lakish replied: I was referring to cases which involve prohibitions, for Rav Shemen bar Abba said in the name of Rabbi Yochanan: Scripture having said: To confirm these days of Purim in their appointed times, the Sages have ordained for them different times, and you are asking me form cases dependent on customs.

The Gemora asks: Isn't engaging in labor on Erev Pesach a halachic dispute as well? The Mishnah in Pesachim (55a) states: Beis Shammai maintains that it is forbidden to do work on the night before Pesach and Beis Hillel allows it.

Rish Lakish answers: It does not appear like two separate groups because one who observes a person not working will say that he doesn't have any work to do right now, but he will not think that it is based on his religious observance.

Rabbi Yochanan asked Rish Lakish from our Mishnah: Beis Shammai permits the co-wives to the brothers, but Beis Hillel prohibits them. Shouldn't this be a violation of this prohibition?

Rish Lakish answers: Beis Shammai did not follow their own opinion in practice. They did not allow the *yavam* to perform a *yibum* with the co-wife of an *ervah*.

Rabbi Yochanan maintains that Beis Shammai certainly did follow their own opinion.

The Gemora cites a dispute between Rav and Shmuel regarding this same issue. Rav said: Beis Shammai did not follow their own opinion in practice. Shmuel said: that Beis Shammai certainly did follow their own opinion.

The Gemora asks: We have learned in the Gemora Eruvin (13a) that a heavenly voice declared that whenever Beis Shammai and Beis Hillel argue, the halachah follows Beis Hillel. What point in time were these Amoraim referring to when they argued if Beis Shammai acted according to their own opinion or not? If it was prior to the heavenly voice, why would Rav and Rish Lakish maintain that Beis Shammai did

not practice according to their opinion? If it was after the heavenly voice, why would Shmuel and Rabbi Yochanan state that Beis Shammai did follow their own opinion?

The Gemora presents two answers: Either they were referring to the time period prior to the heavenly voice and at that time; Beis Hillel had a clear majority. Rav and Rish Lakish maintain that Beis Shammai did not practice according to their opinion because the ruling followed Beis Hillel since they were in the majority. Shmuel and Rabbi Yochanan stated that Beis Shammai followed their own opinion because the academy of Beis Shammai were sharper in their studies, they were not required to follow the majority.

Alternatively, they were referring to the time period after the heavenly voice; Rav and Rish Lakish maintain that Beis Shammai did not practice according to their opinion because they were instructed to follow Beis Hillel (*through the heavenly voice*). The opinion that maintains that Beis Shammai did not practice like Beis Hillel followed the opinion of Rabbi Yehoshua who held that one does not pay attention to the dictates of the Heavenly Voice. (13b4 – 14a1)

The Gemora asks: How can Shmuel and Rabbi Yochanan hold that Beis Shammai practiced in accordance with their own opinion; there is a prohibition of forming separate groups (*lo sisgodedu*)?

Abaye answers: There is only a concern for *lo sisgodedu* when there are two courts in one town, but when they are two courts in two different cities, we are not concerned.

Rava asked: But Beis Shammai and Beis Hillel were in the same town, as well, and yet they each followed their respective opinions.

Rava answers: The prohibition applies only when the court is divided, but regarding two courts in one city, when one follows Beis Shammai and the other follows Beis Hillel, we are not concerned. (14a2)

The Gemora asks from the following Baraisa: Where Rabbi Eliezer resided, they would cut down trees on Shabbos to make the charcoal that was required for fashioning the circumcision knife made out of iron. Where Rabbi Yosi Haglili resided, they would eat the meat of fowl together with milk. Rabbi Yosi Haglili is of the opinion that although the Torah forbids one to eat meat and milk together, this prohibition only applies to eating the meat of any kosher domestic animal with milk. Eating the meat of fowl with milk, however, is permitted.

The Gemora infers from here that they did not practice like this in the locale of Rabbi Akiva, for it was taught in a Baraisa: Rabbi Akiva stated a general rule: Any act of labor that could have been performed before Shabbos and was not performed does not override the injunction of performing labor on Shabbos. Shouldn't this be a problem of *lo sisgodedu*?

The Gemora answers that we have already learned that two different locations are not subject to the prohibition of *lo sisgodedu*.

What then did he who raised this question imagine? — It might have been assumed that owing to the great restrictions of the Shabbos [different localities are regarded] as one place, hence it was necessary to teach us [that the law was not so]. (14a2 – 14a3)

Come and learn a proof from here: When Rabbi Avahu went to the area where Rabbi Yehoshua ben Levi resided, he would move a lamp that had been extinguished on Shabbos. When Rabbi Abahu went to the area where Rabbi Yochanan resided, he did not move the lamp on Shabbos. — What question is this! Has it not been said that the case is different [when the varied practices are respectively confined to] varied localities? — This is the question: How could Rabbi Avahu act in one place in one way and in another place in another way? — Rabbi Avahu is of the same opinion as Rabbi Yehoshua ben Levi, but when he happened to be in Rabbi

Yochanan 's place he did not move a candle out of respect for Rabbi Yochanan. But his attendant, surely was also there!
— He gave his attendant the necessary instructions. (14a3)

Come and learn a proof from our Mishnah: Although they (Beis Hillel) prohibit the co-wives and they (Beis Shammai) permit them; Beis Shammai did not refrain from marrying women of Beis Hillel, nor Beis Hillel from Beis Shammai. Now, if it be said that they did not act [in accordance with their own view] one can well understand why they did not refrain [from intermarrying with one another]. If, however, it be said that they did act [in accordance with their own view], why did they not refrain? That Beis Shammai did not refrain from marrying women from the families of Beis Hillel may well be justified because such are the descendants of those prohibited by a negative commandment; but why didn't Beis Hillel refrain from [marrying women from the families of] Beis Shammai? Such, surely, being descendants of those prohibited under penalty of kares, are mamzeirim!? And if it be suggested that Beis Hillel are of the opinion that the descendant of those prohibited under penalty of kares is not a mamzer, surely, [it may be retorted]: Rabbi Elazar said: Although Beis Shammai and Beis Hillel are in disagreement on the questions of co-wives, they concede that a mamzer is only he who is descended from a marriage which is forbidden as ervah and punishable with kares! Doesn't this then conclusively prove that they did not act [in accordance with their own view]? — No; they acted, indeed, [in accordance with their own view], but they informed them [of the existence of any such cases] and they kept away.

This may also be proved by logical inference; for in the final clause it was stated: Similarly, in respect of] all [the questions of] taharah and tumah, which these declared tahor where the others declared tamei, neither of them abstained from using the utensils of the others for the preparation of food that was tahor. Now, if it be agreed that the required information was supplied one well understands why they did not abstain. If, however, it be assumed that no such information was supplied, one can still understand why Beis Shammai did not abstain from using the utensils of Beis

Hillel, since that which was regarded by Beis Hillel as tamei was deemed by Beis Shammai to be tahor; but why didn't Beis Hillel abstain from using the utensils of Beis Shammai when that which was deemed tahor by Beis Shammai was regarded as tamei by Beis Hillel? Must it not, then, be concluded that they supplied them with the required information! Our point is thus proved.

In what respect is the one more conclusive proof than the other? — It might have been thought that the case of a co-wife receives due publicity, hence it was necessary [for the inference from the final clause] to be cited. (14a3 – 14b1)

[Reverting to] the previous text: Rabbi Elazar said: Although Beis Shammai and Beis Hillel are in disagreement on the questions of co-wives, they concede that a mamzer is only he who is descended from a marriage which is forbidden as ervah and punishable with kares. Who concedes? If it be said, Beis Shammai to Beis Hillel; this, surely, is obvious, since the descendants of those prohibited by a negative commandment are deemed legitimate. Must it not consequently be the case that Beis Hillel conceded to Beis Shammai; but this very case is subject to the penalty of kares! — The fact is that Beis Shammai conceded to Beis Hillel; and the purpose was to exclude the opinion of Rabbi Akiva, who maintains that a descendant from those prohibited by a negative commandment is deemed a mamzer. Hence it was taught that a descendant from those prohibited by a negative commandment is not deemed a mamzer. (14b1)

Come and hear: Although Beis Shammai and Beis Hillel are in disagreement on the questions of co-wives, sisters, an old bill of divorce, a doubtfully married woman, a woman whom her husband had divorced and who stayed with him over the night in an inn, money, valuables, a perutah and the value of a perutah, Beis Shammai did not, nevertheless, abstain from marrying women of the families of Beis Hillel, nor did Beis Hillel refrain from marrying those of Beis Shammai. This is to teach you that they showed love and friendship towards one



another, thus putting into practice the Scriptural text: Love, truth and peace. Rabbi Shimon said: They abstained [from marrying] in cases of certainty but did not abstain in doubtful cases. Now, if you agree that they acted [in accordance with their own views] one can well understand why they abstained. If, however, you assume that they did not so act, why did they abstain? — And how do you understand this? Even if it be granted that they did act (in accordance with their own views), one can only understand why Beis Hillel abstained from intermarrying with Beis Shammai, because the latter, in the opinion of Beis Hillel, were guilty of offences involving kares and their descendants were consequently mamzeirim; as to Beis Shammai, however, why did they abstain from intermarrying with Beis Hillel, when they were [even in the opinion of Beis Shammai] only guilty of the infringement of a negative commandment and [their descendants] were consequently legitimate? — As Rav Nachman said elsewhere that the statement was required only for the case of the co-wife herself, so here also the Statement is required for the case of the co-wife herself.

Why is a doubtful case different from a case of a certainty? Obviously because it is forbidden. Isn't a doubtful case also forbidden? — Do not read, 'from a doubtful case', but 'from a case unknown', since when they received the information they kept away. And what does he teach us thereby? That they showed love and friendship to one another? But this is exactly the same as the first clause! — He teaches us this: That the entire Mishnah represents the views of Rabbi Shimon. (14b1 – 14b3)

DAILY MASHAL

HEAVENLY VOICES

The Gemora states that a heavenly voice declared that the halacha follows the opinion of Bais Hillel.

Reb Elchonon says that he found in seforim (Mikdash Melech in the name of the Arizal – he doesn't cite this) that in the future world, the halacha will follow the opinion of Beis Shammai.

He explains: In truth, Beis Shammai had the sharper minds, but due to our intellectual deficiencies, we were not able to fully grasp and understand their intent; a judge can only rule according to what he sees in front of him and that is why we rule according to Beis Hillel in this world. It is written regarding the future that the world will be full with wisdom; Beis Shammai will be understood, and we will rule according to them.

I once heard that if one analyzes the disputes between Beis Shammai and Beis Hillel, one can reach the following conclusion: Beis Shammai rules according to the spiritual level and Beis Hillel rules according to the physical level. This will explain why we rule according to Beis Hillel in this physical world, and in the World to Come, the spiritual world, we will rule according to Beis Shammai.

The Gemora cites the opinion of Rabbi Yehoshua: He maintains that we do not pay attention to a heavenly voice dictating who the halacha should follow. The Gemora later (122a) states: A woman can get married on account of a heavenly voice. This means that if her husband went overseas and a heavenly voice declares that her husband died, she is permitted to get married.

The Tosfos Yom Tov states that this is not referring to a heavenly voice since we rule that one does not pay halachic attention to a voice emanating from heaven.

Reb Elchonon explains differently: We do not pay attention to a heavenly voice regarding halachic matters because Torah is not in the heavens; it was given to human beings. The Sages of Klal Yisroel have the authority to resolve all halachic matters, not the heavens. However, a heavenly voice can resolve a factual doubt. We would not rely on a heavenly voice in regards to something that requires two witnesses. The Chachamim were lenient in regards to the testimony of a woman and they relied on the words of even one witness; that is why a heavenly voice can be believed in this matter.