



Volume 3. Issue 1.

Beit Shammai and Beit Hillel

At the end of the first chapter of *Yevamot* we get an insight into the unique relationship that existed between *Beit Hillel* and *Beit Shammai* and a clearer understanding of what the *Mishnah* in *Avot* means when it describes the argument for the sake of heaven as being the dispute between *Hillel* and *Shammai*. The exact nature of the dispute gives us a clear directive as to how we should conduct our own disagreements.

The last *Mishnah* in the first chapter of *Yevamot* brings a dispute between the two houses of study which on the surface is one of the most astonishing statements in all the six orders of *Mishnah*. The *Mishnah* leaves us with a catch-22 where someone who acts in accordance with *Beit Hillel* would be forbidden to marry a *Kohen* according to *Beit Shammai*, while if the reverse action was taken and the opinion of *Beit Shammai* were followed the child would be a *mamzer* according to *Beit Hillel*. Nevertheless “*Beit Shammai* did not refrain from marrying women from *Beit Hillel*, and neither did *Beit Hillel* refrain from *Beit Shammai*.” The continuation is that they also ate from each other’s houses in spite of the differing opinions with regards to ritual purity.

On the surface this is both shocking and to a certain degree highly utopian. It appears that *Chazal* were willing to forgo their *Halachic* decisions for the sake of Jewish unity - a statement that doesn’t hold up to scrutiny in the *Gemara*. It would certainly have many ramifications to the structure of *Halacha* today if this would be true.

In the *Yerushalmi* (*Kiddushin* 1:1 and here in *Yevamot*) it seems to suggest that while they were not conciliatory towards each others position it was accepted that they had differing positions. Not much was done about this situation¹ until the heavenly voice came down and stated clearly that everyone must follow the opinion of *Beit Hillel*, which effectively ended the debate as a practical concern.

The *Yerushalmi* then gives us *Yavneh* as the location of the *Sanhedrin* when the heavenly voice spoke. This strange additional piece of information seems to tell us something extra. *Yavneh* was the central seat of Jewish learning immediately following the destruction of the temple as was requested by *Rabbi Yochanan ben Zakkai* (see *Gittin* 55b). It is a symbol of the new age Torah of the exile. It is at this point that the vibrant debate and the way of life that existed prior to the destruction came to be redefined by the heavenly voice for the thousands of years of the exile.

This way of thinking however is not actually the answer given by the *Bavli* (*Yevamot* 14a) as well as the commentators, who unanimously follow the direction of the *Bavli*. The *Gemara* says that due to the massive ramifications of the two cases (having children who are *mamzerim* in the first and the defiling of the sacrifices in the second) they clearly would not blindly intermarry. Instead each school would inform the other of a relationship that they knew the other school would find questionable. The *Gemara* therefore simply says that instead of putting a blanket ban on the other house they simply had a series of checks to determine the persons status according to their opinion, and they would readily volunteer information about any vessel whose purity is suspect according to the view of their rivals.

This gives us a clear look at what the true dispute for the sake of heaven is. In spite of differences of opinion, there is still room to recognise a difference of opinion and that this view is also the word of G-d – “Both these and these are the words of the living G-d.” At the end of the day they were both strong in their own views but were able to recognise the opposing view and were comfortable enough in their own opinions to be able to accommodate them in a way that would not create divisions in the nation.

Yaron Gottlieb

¹ *Editor’s note:* There is a debate in the *Yerushalmi* whether *Beit Shammai* acted in accordance to *Beit Hillel*’s ruling and just acted stringently or whether each school acted according to their own opinion.

According to the latter opinion, even though there could have potentially been problems relating to *mamzerut*, the *Yerushalmi* explains that these cases never existed - “המקום משמר ולא אירע מעשה מעולם”

This week’s issue is sponsored on the occasion of the birth of a **baby boy** to
Danny and Adina Karp – MAZAL TOV!

Revision Questions

יבמות א' א'-ב' ג'

- What are the fifteen relatives that are exempt from *yibum*? (א': א')
- What is a *tzarah* and when are they also exempt for *yibum*? (Careful) (א': א')
- Provide an example of how a *tzarah* of a *tzarah* can also be exempt from *yibum*. (ב': א')
- Provide an example of how one of the *tzarot* of one of the relatives in the first *Mishnah* could indeed be obligated for *yibum*. (ב': א')
- What are the six relationships forbidden to both brothers? (ג': א')
- Can one marry a *tzarah* of one of these relatives? (ג': א')
- Which *tana* argues with the principle brought in the first *Mishnah* and what does he argue? (ד': א')
- List two implications of this *Tanaic* dispute. (ד': א')
- What are the cases brought of "אשת אחיו שלא בא לעולם"? (ב': א'-ב')
- Who argues on the second case and why? (ב': ב')
- What is the law regarding the two sisters that married two brothers, and then the both brother passed away, with respect to the third remaining brother? (ב': ג')
- What is the exception to the answer to the previous question? (ג': ב')
- What is an *issur mitzvah*? (ד': ב')
- What is an *issur kedushah*? (ד': ב')
- What is the law regarding *yibum* for a relationship defined as an *issur mitzvah* or *issur kedushah*? (ג': ב')
- Is a brother that is a *mamzer* required to perform *yibum*? (ה': ב')
- What should one do if he married one of two sisters, but is unsure who he married? (ו': ב')
- Regarding the previous question, what should his brother do if he then dies (without any children)? (ו': ב')
- Regarding the previous question, is the law different if he has more than one brother? (ו': ב')
- If two unrelated people married two sisters but were not sure who married who, what should they do? (ז': ב')
- Regarding the previous question, what should their brothers do if they then die (without any children)? (ז': ב')
- Regarding the previous question, is the law different if one of the husbands had more than one brother? (ז': ב')
- Regarding the previous question, is the law different if both the husbands had more than one brother? (ז': ב')
- In general, on which brother does the responsibility of *yibum* initially lie? (ח': ב')
- What is the brother suspected of doing if he is obligated to divorce the *yavamah* if he performed *yibum*? (ח': ב')
- If witnesses come with news that a women's husband was killed, are they allowed to marry his wife? (ט': ב')
- What other two cases share the same law as the previous question? (ט'-י': ב')
- What are the two exceptions to the answers for the previous two questions? (י': ב')

Local Shiurim

Sunday -Thursday
Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat
10 minutes before mincha
Mizrachi Shul

Audio Shiurim on-line!

- 613.org/mishnah.html
- www.shemayisrael.com/mishna/

Finding Yevamot a little complicated?

Get the learning aids on-line at:

www.mishnahyomit.com

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 th August י"ג אב	14 th August כ"ד אב	15 th August כ"ה אב	16 th August כ"ז אב	17 th August כ"ח אב	18 th August כ"ט אב	19 th August ל"א אב
Yevamot 3:1-2	Yevamot 3:3-4	Yevamot 3:5-6	Yevamot 3:7-8	Yevamot 3:9-10	Yevamot 4:1-2	Yevamot 4:3-4

