

**TALMUDIC METHODOLOGY**  
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**SHIUR #08: THE PROHIBITION OF *LO TITGODEDU* (PART 2)**

In the previous *shiur*, we outlined two different approaches to understanding the *issur* of *lo titgodedu*, the prohibition of splintered halakhic observance. Is the prohibition geared toward averting *machloket*, as the Rambam claims, or does it prevent the exhibition of variant *torot*, as Rashi suggests? Abbaye allows different halakhic norms in different locales, which easily fits the Rambam's logic that the *issur* aims at quelling social dispute; the fact that the practices are observed by separate communities will avoid *machloket*. Reconciling Abbaye's limitation with Rashi's logic is not as simple. Perhaps one could argue that as long as the discrepant practices are physically distant, there do not APPEAR to be splintered *torot* as casual observers will not witness the differences. Alternatively, different practices in different and distant locales may establish that behavior as part of the tradition, rather than as deviance from it. While multiple practices "under one roof" suggests multiple *torot* and is forbidden, different practices in different locales merely implies different and separate INTERPRETATIONS of the SAME UNIFIED MASORA.

This second understanding of Abbaye – that distance avoids the problem of *lo titgodedu* because it establishes an independent *masora* – may explain an interesting position adopted by the Ramban to answer a well-known question posed by Tosafot.

Abbaye allows different norms in different geographical areas in order to explain the differing practices of *Beit Shammai* and *Beit Hillel*. (Rava ultimately rejects Abbaye's approach because he maintains that the discrepancies between *Beit Hillel* and *Beit Shammai* existed even within one region.) However, Abbaye's

logic regarding different locales does not fully solve the *gemara's* original query about different *Megilla* readings in different cities. Although reading on the 14<sup>th</sup> occurred in different locales than reading on the 15<sup>th</sup>, there were other discrepancies EVEN within the SAME REGION. Those who lived in small hamlets without qualified *Megilla* readers were permitted to read the *Megilla* on the Monday or Thursday proximate to Purim, when they came to the large towns for market. Effectively, the *Megilla* was read anywhere between one and four days prior to the 14<sup>th</sup> IN THE VERY CITY in which it would be subsequently read on the 14<sup>th</sup> proper! Not only did discrepant reading occur in the same locale, but it was common that the very SAME person performed the different readings; since the villagers were incapable of reading, the *Megilla* was read for them by literate city dwellers, and the same *ba'al keria* who read for them on an earlier day would re-read or re-hear the *Megilla* on the 14<sup>th</sup> itself. This situation clearly violates *lo titgodedu* EVEN according to Abbaye, since there was no geographical separation. Tosafot raises this question and offers a radical position, which most *Rishonim* reject. How do the other *Rishonim* solve this problem?

The Ramban offers an original solution. He claims that the villagers read on an earlier date in a SPECIFIC location. Even though that location was adjacent to where subsequent *Megilla* readings would take place on later dates, since it occurred in a DESIGNATED location, it would not violate *lo titgodedu*. By adding this *lo titgodedu* exemption, the Ramban effectively reinterprets Abbaye. Physical distance *per se* is not crucial in averting *lo titgodedu* concerns. Rather, the exemption of two cities was based on establishing parallel approaches to the *masora*, each with its own COMMUNITY, rather than chaotic deviances within the same tradition or community. As long as each norm is assigned to a specific location (and associated community of people), it can be maintained as a coexistent approach, even if it contradicts a different norm. If distance is necessary merely to prevent tension caused by contact, perhaps merely designating a SPECIFIC LOCATION for the alternate practice WOULD BE INSUFFICIENT; to properly avoid *machloket*, a DISTANT location would be required, as Abbaye's "two cities" clause seems to imply. Evidently the Ramban – by adding this clause to Abbaye agreed with Rashi that *lo titgodedu* isn't based on avoiding *machloket* but in preventing the suggestion of splintered tradition. By tethering the practices to different communities and locations this statement is avoided.

The Ramban in *Megilla* suggests a different rationale to explain the dual *Megilla* readings in the same town and by the same people. Although in *Yevamot*, the Ramban attempts to redefine the meaning of “two *batei din* in two different cities,” in *Megilla*, he asserts that since the alternate *Megilla* reading was based upon a *kula* – (a leniency) - so as not to inconvenience the villager to travel to the city – it is not subject to the criteria of *lo titgodedu*. The *gemara*’s only concern centered around the alternate reading of the 15<sup>th</sup> in walled cities since that was based upon halakhic discrepancy, not leniency; Abbaye only suggested the “two towns” solution to solve discrepancies between the readings on the 14<sup>th</sup> and 15<sup>th</sup>. The early villagers’ reading does not require any explanation at all.

If Abbaye’s “two towns” allowance is based on avoiding dispute, how could he possibly waive *lo titgodedu* in cases of leniency-based discrepancies? Just because we relax the halakha for one group of people does not mean it won't cause a rift with a different one! If Abbaye is willing to waive *lo titgodedu* in situations of *kula*, it seems to indicate that he agreed with Rashi that the *issur* is based upon presenting a fractured *masora*. Divergences based on *kula* do not present the fracturing of halakha, but rather “local suspensions” of the halakha to accommodate a need. Once again, the Ramban may be asserting that Abbaye’s “two towns” solution is not based upon the Rambam’s logic of avoiding *machloket*, but on the notion that once each *masora* is tethered to a specific place and community, it does not constitute a fracture, but an independent tradition.

Yet another indicator that Abbaye is asserting a Rashi-based logic for *lo titgodedu* stems from an interesting comment of the Ritva. Rava rejects Abbaye and asserts his own explanation for the two *Megilla* readings because of the *Beit Shammai* and *Beit Hillel* disputes. Not only did these two groups differ about *yibum* rules, but they actually IMPLEMENTED their differing practices – oftentimes in the SAME CITY. Although Abbaye's "two towns" approach might solve the *Megilla* issue, it would not address the *Beit Shammai/Beit Hillel* phenomenon. Rava therefore offers an alternative approach to account for BOTH the *Megilla* differences as well as for *Beit Shammai* and *Beit Hillel*. How would Abbaye respond to the problem posed by the situation of *Beit Shammai* and *Beit*

*Hillel?*

Although it is only possible to speculate - as Abbaye seems to ignore the *Beit Shammai* and *Beit Hillel* phenomenon entirely - a comment of the Ritva may disclose Abbaye's logic. The Ritva claims that Abbaye is unconcerned with the differences between the practices of *Beit Shammai* and *Beit Hillel* because *lo titgodedu* does not apply to the proprietors of a *machloket*, the "*ba'alei ha-machloket*." Thus, the only pressing issue for Abbaye was the dual *Megilla* readings, and this he solved by his "two towns" theory.

Clearly, the Ritva's logic for Abbaye does not conform to the Rambam's version of *lo titgodedu*. If the entire concern surrounds social strife, different practices among the originators of a *machloket* would be MORE incendiary, not less! The *ba'alei ha-machloket* would presumably express and implement their positions with greater confidence and passion, and the differences between them would be more likely to erupt into arguments and disputes. The Ritva clearly assumes that Abbaye adopts a view of *lo titgodedu* similar to that of Rashi; the *issur* prevents the presentation of splintered *torot*. Evidently, according to Abbaye, this concern relates only to halakhic behavior of the common man. Rabbis who develop unique positions based on solid halakhic scholarship are allowed to implement their unique positions. For the actual "*ba'al ha-shita*," the author of a position, discrepant halakhic activity does not imply splintered behavior, but rather establishes co-existent strands of truth within the infinite will of God. Deviation by the common man suggests splintered truth, whereas differences expressed by scholars merely reflect different interpretations of the will of *Ha-Kadosh Barukh Hu* .

Once we accept the premise that the Ritva's suggestion mandates reading Abbaye's view of *lo titgodedu* as Rashi did, we are once again compelled to reinterpret his "two towns" theory. The simple approach of the Rambam was that the two city allowance avoids *machloket*, but according to the Ritva, Abbaye is not concerned with *machloket*, but the presentation of a fissured Torah. Abbaye allows different practices in different locales because this does not present a fractured Torah, but two different strands of the *masora* – each with its own following and community.