



# THE שבוע MATTERS

לע"נ ברוך בענדיט וברכה גרוס ע"ה  
by Mr. & Mrs. Duvy Gross

## שבת קודש פרשת שופטים

מסכת יבמות דף י"ד

לרפ"ש אחינו בני ישראל

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The Gemara discusses the reason for the fights. There are two opinions in the Gemara as to what the reason for the fights is. One says that the reason for the fights is that when there are different opinions in a city, it looks like there are two courts. The other says that the reason for the fights is that it will cause fights. The Gemara adds that the Gemara applies even when two courts in one city disagree about a case. There is an incredible Gemara and this Gemara discusses our Gemara in great depth. He points out that the simple reading of the Gemara is that it does not apply to a case that it only applies to one city where that one has differing opinions. So why would the Gemara say it applies to two courts in one city? That's like a case who we don't pasken like except in case of "יעיל קנים" (which this is not)! Furthermore, it seems clear that the issue of the Gemara is not about a concern for the Gemara since the Gemara asked from the different days you read the Gemara and everyone knows different cities have different times so why would it cause fights? And why would the Gemara suggest that the Gemara is not a problem when it certainly causes fights!? To answer all this the Gemara suggests that the Gemara learned the Gemara very differently. The Gemara felt that if in one case some pasken like this and some pasken like that then they are not functioning as one court but rather as two! Moreover, why would it not look like two courts when two courts in the same city say different things? Therefore, he understands that the Gemara agrees on the Gemara and is functioning like one court. It's just that some want to make a Gemara and some don't. In that case there would be fights. The same would be true if there were two courts in one city agreeing on the Gemara but disagreeing on whether to be Gemara. However, if they only argue in the Gemara there won't be fights as they just have different opinions. According to this, the Gemara disagrees with everything said before in the Gemara. The Gemara and the Gemara hold the issue was two courts. However, the Gemara disagrees and holds the issue is only one court.

### Stories of the Daf

#### The Behavior of Bnei Torah

בחיבה ורעות נהגו זה בזה  
Even though Beis Shammai disagreed with Beis Hillel, they acted with closeness and friendship to one another. They serve as an example to bnei Torah for all times.

In 1961, the famous Gateshead Yeshiva built a new building that included an expanded dormitory and a larger beis midrash. During the construction, certain elements among the local population organized a campaign to voice their objection to the work. These neighbors were quite vocal in the community about their plans to obstruct the construction and to circulate a petition that they planned to submit to the municipality. After a long period of harassment, however, the organizers abandoned their opposition without a word of explanation. After making inquiries it was found out that the group had indeed drawn up a petition, and the first signature they had decided to solicit was that of the Protestant minister who lived in the immediate neighborhood. They figured that he would be sure to sign, and with his signature it would be that much easier to gain the help of others. Much to their surprise, he refused! When asked why, he explained, "I respect the students of the Rabbinical Seminary. More than that, I am actually amazed by their exemplary conduct. In all the years that I have lived in this neighborhood, I have noted time and time again that these students are seriously immersed in their studies. I have never seen a student raise a hand to another or act in an unrestrained manner. They are impeccably behaved and I am frankly jealous of them! It is unfortunate that we cannot lay claim to such youth in our own community!" The minister continued to speak to the protesters in this vein until he convinced them to drop their entire campaign!

#### Review & Remember

1. What forbidden relationship produces a child who is a mamzer?
2. How many different disputes are there between Beis Shammai and Beis Hillel concerning marriage issues?
3. How did Beis Shammai and Beis Hillel express their love and friendship for one another?

### Parsha Connection

In this week's daf we learn that two courts in the same town should not issue different rulings. The Mitzva of establishing Jewish courts in every town is derived from this week's Parsha. "You shall appoint magistrates and officials for your tribes, in all the settlements (שערים) (literally "gates")" The word "You" in this verse is expressed in the singular, but this is obviously a community Mitzvah, why then is it expressed this way? The CHIDA (חיד"א) in his Sefer Qidmonim explains, that everyone has various "gateways" in his body, his eyes, ears, nose, mouth. This verse is a reminder that we also need our personal "gate" keepers who keep us safe from misdeeds! Let's act on this for Elul!

## Halacha Highlight

### Presenting a Friend With an Item that He Believes to be Prohibited that You Believe to be Permitted

ויאסף כל איש ישראל אל העיר כאיש אחד חברים  
הכתוב עשאן כולן חברים.

*Nor did Beis Hillel refrain from marrying women from Beis Shammai Rto teach that they behaved with love and friendship with one another.*

Rabbeinu Yom Tov ben Avrohom Ishbilli<sup>1</sup>, the Ritva, explains that the Gemara is not referring to where Beis Shammai informed Beis Hillel explicitly that a particular woman is permitted because in such a case it is obvious that Beis Hillel could marry her because Beis Shammai would be in violation of lifnei iver to present to Beis Hillel a woman that from their (Beis Hillel's) perspective is prohibited. Rather the novelty is that Beis Hillel would marry women from Beis Shammai without inquiring about their specific status and relied on the assumption that if there would be a problem Beis Shammai would warn them even though it was not required. This explanation establishes an important principle. The only reason Beis Shammai would inform Beis Hillel was out of love and friendship but according to the letter of the law there was no obligation to inform Beis Hillel that this woman is prohibited since from their perspective the marriage is permitted. Although one is not required to inform a friend that he is about to partake of something in his (the friend's) opinion is prohibited, there would be a violation of עור לפני עור to offer something that the recipient holds is prohibited. Rav Chizkiyah de Silva<sup>2</sup>, the Pri Chadash, disagrees with this conclusion and maintains that one does not even violate the prohibition of lifnei iver if he gives an item, which he maintains is permitted, to a friend who holds that it is prohibited. He cites our Gemara as proof to this position. The Gemara earlier inquired why Beis Shammai and Beis Hillel did not refrain from marrying one another and the answer was that if there was an issue Beis Shammai would inform Beis Hillel out of feelings of love and friendship they had for Beis Hillel. One can infer from the question that Beis Hillel should have otherwise refrained from marrying someone from Beis Shammai since Beis Shammai is not under any obligation to disclose that this woman is prohibited to Beis Hillel people since according to their (Beis Shammai's) opinion there is no prohibition to marry this woman. Rema<sup>3</sup> disagrees with Pri Chadash and rules that one who holds that a particular food is prohibited may eat with a friend who holds that it is permitted without fear that the friend will serve that food. The reason is that to present food to someone who holds it is prohibited violates the prohibition of lifnei iver and one does not have to suspect that the friend will violate that prohibition.

1. ריטב"א לסוגייתנו

2. פרי חדש אורח סי' תצ"ו כללי אסור אות כ"ג

3. רמ"א יוד סיק קי"ט ע"ז

## Mussar from the Daf

### The Greater Plan

The Gemara discusses the Issur of לא תתגודדו which the poskim explain to be a prohibition of creating factions among Jews when some Jews practice one law and others follow a different law. The actual full pasuk is translated as "You are children to Hashem, you shall not gash yourselves...because of the dead." What is the connection between not creating differing factions and being children of Hashem? Furthermore, what is the significance in the fact that the same word which Chazal use to explain the prohibition on factions, also teaches us about not gashing one's self because of a deceased relative? Furthermore, the Rambam in Hilchos Avoda Zara (perek 12) brings these halachos right after each other. Why? What is the connection? When a person is in extreme pain because of the death of a loved one, and he has to gash himself, he is possibly looking at the situation mistakenly. He is in so much pain because he cannot stop thinking about himself and all the pain that he is in because of his loss. However, if he remembers that he is a child of Hashem and that Hashem does only what is best for his children, his pain would subside. There is a greater plan and even though it is painful, one has to have that outlook as well. Similarly, when one is involved with a machlokes with others, it often stems from the fact that the individuals are primarily focused on their own needs. However, when one expands his outlooks to see how Hashem views his children and how He wants them to be b'shalom and in achdus, one may alter decisions and concede one's point for the greater good of s Bnai Yisroel. Both of these concepts are related in that they reflect people who are only thinking about themselves and their own needs. Only when one expands their worldview to think about how Hashem looks at His children, will one adjust his outlook and actions.

### Point to Ponder

The Gemara tells us that despite their differences, Bais Shamai and Bais Hillel married one another. The Gemara further explains that this was a sign of mutual friendship and affection, and that as part of their friendship they would inform one another of situations in which a lady would be considered okay to marry by one and not by the other. Why isn't there an obligation to inform someone of a potential transgression, and not merely as a nicety?

### Response to last week's Point to Ponder

Rava explains that the reason why ש"מאי בית argue and maintain that a צרה of an ערוה can do Yibum is because we can only have one איסור at a time. What would happen if two brother's married two sisters simultaneously? Would both איסורים take effect at the same time? If two איסורים happen simultaneously for example two brothers married two sisters at exactly the same time, both איסורים take effect. There are two explanations as to why ש"מאי בית did not consider this possibility. One is that since its a very remote case we cannot assume that לצרור was written for this possibility (ראב"ד). The other possibility is that this would in fact be an exception whereby ש"מאי בית would agree with הלל. (See רעק"א).

ר' יוסף שמואל שמעלקא בר' יצחק מערמעלשטיין ז"ל Shelly Mermelstien לענין Yevamos has been dedicated in

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