

1. What sense does Rava make - isn't a beit din supposed to debate and then vote?  
Particularly since the consensus of the sugya seems to be that applies only to issur, regarding which there certainly must be a vote!
2. Suggests that there is a practical difference even after vote – strange suggestion.  
Gets this, though, by pointing out a lesheetato with Rava in Pesachim.
- 3-4. Argument between Rava and Abayei is whether lo titgodedu applies to minhag –  
Abaeyei says no, and thus avoidance of machloket can't justify leniency, and one does  
cause machloket by being stricter than the locals, whereas Rava says avoidance of  
machloket would justify leniency, except in this case no machloket would be caused.  
(Tangent: only discussing melekhet chol haMoed)  
So Netziv says that this shows that Rava applies lo titgodedu = avoidance of machloket to  
minhag, which makes his view here possible..
5. Netziv's reading of Rava here seems borne out by language of Rambam – but  
Rambam takes Abayei's case. Solution will be R. Yochanan vs. Resh Lakish on the  
minhag issue but not the case – beyond our scope – and key is that no evidence that  
Rava and Abbayei are discussing different types of cases here.  
But still, some problems – case itself seems peculiar. Also language of “morin”. Also  
sugya actually seemed lo titgodedu was issue of issur. Also, this would presumably  
happen only lechumra from the pesak, which is not the mashmaut here. Also, seems  
unlikely to use Beit Shammai and Beit Hillel as examples of such.
6. This last problem becomes sharper if we look at other instances of machloket.  
Rambam says that originally votes of Sanhedrin prevented machloket, then no  
Sanhedrin so lots of machloket. But if machloket caused by post-vote minhag, how  
would votes help? Maybe Sanhedrin had enough authority that no one was manhig  
lechumra if they were meikil.
7. But in gemara we see that a – same phrase used re zakeim mamrei, where certainly  
not minhag, and b – not the absence of Sanhedrin but the rise of the Houses caused  
machloket. (Although problematic in own right, since text said that the Sanhedrin is  
what prevented machloket).
8. Solution to that problem is in Sotah, where we see that two stages – machloket, and  
then shtei Torot. Clear from flow that line in Sanhedrin is just an insert. But why  
does Rambam leave out these stages, especially the roles of the Houses?
9. Tangent – why does a bat kol resolve specifically the dispute between the Houses?  
Also, as Tosafot point out, why do we follow this bat kol even though we quote R.  
Yehoshua all the time? Tosafot's own answer is unconvincing.
10. Rashi introduces the idea, contra Rambam, that lo titgodedu and machloket are  
separable – this despite the fact that his only mekor for the phrase uses it as a stage in  
progressive machloket-increase. What would be distinct about it? Machloket can =  
dispute or can equal division. Rashi thinks, to put it most sharply, that machloket is  
caused when people object to different practice, and shtei Torot when people don't.
11. Ramban seems to explain that shtei Torot happened to the Houses because there was  
no objective observer who could pasken the dispute. I.e., on all these issues opinion  
was determined by political or ideological allegiance rather than intellectual  
deliberation, and on such issues clalei horaah don't apply – in this case b'shel Torah  
lechumra, in our case rov. So that's why beit shammai didn't agree to follow Beit  
Hillel even when there was a Sanhedrin, and why the Torah became two Torot, and  
why a bat kol was necessary, and how lo titgodedu can be violated within a single  
court on issur issues..
12. Intellectual honesty moment.  
Conc. We learn from here that ideology has dangerous consequences for Torah, but that  
one need not therefore concede to the opposing ideology, and that precedent for such.  
Ideal may be to rebel when someone else makes a decision ideologically, but make

one's own objectively – or maybe times when it's worth the risk, and if the consequences are shte torot, better than a really wrong Torah. On our issues, which?

1. What's with korbanot?
2. A. Rambam – guide vs. mishneh Torah.
3. Kayin Hevel (human sacrifice), Noach (eitz haddat wine), keruvim – gan eden
4. Temurah and tov vara
5. Gemara re arayot
6. Golden Bough, Mists of Avalon
7. Is science ra? Is the blurring of categories, the modern contribution, and if so, are we sufficiently aware of the dangers?