Rav Yosef said to Abaye: Even when Rav Ĥisda was asked about the permissibility of cooking an egg in kutaĥ, a dairy dish, throughout the years of Rav Huna's life, he refused to issue a ruling. Rav Hamnuna was a disciple of Rav Huna, and a disciple may not issue a ruling in his teacher's place of jurisdiction about even the simplest of matters.

Rabbi Ya'akov bar Abba said to Abaye: With regard to matters such as those detailed in Megillat Ta'anit, which is written and laid on the shelf for all to access and offers a list of the days on which fasting is prohibited, what is the halakha concerning whether or not a disciple may rule about these matters in his teacher's place of jurisdiction? Abaye said to him: Rav Yosef said as follows: Even when Rav Huna was asked about the permissibility of cooking an egg in kutaĥ throughout the years of Rav Huna's life, he refused to issue a ruling.  

The Gemara relates that Rav Ĥisda nonetheless issued halakhic rulings in the town of Kafri during the years of Rav Huna's life, as he was not actually in his teacher's place.

Rav Hamnuna issued halakhic rulings in the town of Harta De'argez during the years of Rav Ĥisda's life, even though Rav Ĥisda was his teacher. 

The Gemara relates that Ravina once examined a slaughterer's knife in Babylonia to check if it was fit for slaughtering, during the lifetime of his teacher, Rav Ashi, who also lived in Babylonia. 

Rav Ashi said to him: What is the reason that the Master acted in this manner? Isn't it prohibited for a disciple to issue rulings while his teacher is still alive?

Ravina said to him: Didn't Rav Hamnuna issue halakhic rulings in Harta De'argez during the years of Rav Ĥisda's life, as they were not in the same town, even though they were both located in Babylonia? Since I do not live in the same town as you, it stands to reason that I would be permitted to issue rulings as well. Rav Ashi said to Ravina: It was actually stated that Rav Hamnuna did not issue halakhic rulings during Rav Ĥisda's lifetime, and that is the correct tradition.

Ravina said to Rav Ashi: In fact, it was stated that Rav Hamnuna issued rulings, and it was also stated that he did not issue rulings, and both traditions are correct. During the years of the life of Rav Huna, Rav Hamnuna's principal teacher, Rav Hamnuna did not issue rulings at all, but he did issue rulings during the years of Rav Ĥisda's life, for Rav Hamnuna was Rav Ĥisda's disciple-colleague.  

And since I, too, am the Master's disciple and colleague, I should also be permitted to examine a slaughterer's knife when I am not in the same town.

Rava said: A Torah scholar may examine a knife for himself and use it for slaughtering, without having to show it to the local Sage. The Gemara relates that Ravina happened to come to Mehoza, the home town of Rava. His host brought out a knife for slaughtering and showed it to him. He said to him: Go, bring it to Rava, the town Sage, for examination.

BACKGROUND

Megillat Ta'anit – The book Megillat Ta'anit was written down during the period of the amora'im, halakhic rulings may not be issued directly from a mishna without further analysis. Clear halakhic rulings could be found only in Megillat Ta'anit.

Ruling in one's teacher's place – Rav Ashi: It is prohibited to issue a halakhic ruling in one's teacher's presence if he is within three parasangs of his teacher's place. A student assumes the role of a ruling authority. It is similar to one who rebels against the monarchy by appropriating honor reserved for the king. For this reason, some authorities state that a student may not issue rulings in the place of his principal teacher, even if he received explicit permission from the teacher to do so.

NOTES

Megillat Ta'anit – The statement that the teachings of Rav Ashi are written down in Megillat Ta'anit is accepted in all instances, even in a baraita. However, a gentile does impose such restrictions, even if there were no neighbors. However, a gentile does impose such restrictions, even if there were no neighbors. Even according to those who maintain that the Mishna was written down during the period of the amora'im, halakhic rulings may not be issued directly from a mishna without further analysis. Clear halakhic rulings could be found only in Megillat Ta'anit.

HALAKHA

Examining a knife before one's teacher – It is prohibited for a student to examine a slaughterer's knife in the presence of his teacher (Tur, Yoreh De'a 242).

Disciple-colleague – A disciple who is also his teacher's colleague may not issue a ruling in his teacher's presence if he is within three parasangs of him. If he is farther away than this, it is permitted. If the student received permission from his teacher (Shukl; Vilna Gaon), it is permitted for him to issue a ruling even within three parasangs of his teacher (Rema). However, with regard to his principal teacher, it is prohibited in all circumstances (Shulhan Arukh, Yoreh De'a 242:4 and in the comment of the Rema).

NOTES

The examination of a knife – Rashi explains that in the talmudic period this was the only portion of the Oral Law that was committed to writing. Even according to those who maintain that the Mishna was written down during the period of the amora'im, halakhic rulings may not be issued directly from a mishna without further analysis. Clear halakhic rulings could be found only in Megillat Ta'anit.

There is an ancient tradition that statements ascribed to Rabbi Eliezer are measured but clean. According to some the following statement was said to Rabbi Eliezer: Rav Hamnuna, Rav Hamnuna's principal teacher, Rav Hamnuna did not issue rulings during Rav Huna's lifetime, and that is the correct tradition. According to some, the statement that the teaching of Rabbi Eliezer is measured but clean appears in several places, with the occasional addition of other spices. Therefore, the knife must be examined. Nevertheless, out of respect for the Sage, the slaughterer must present his knife before a scholar. If the slaughterer is himself a scholar, the Sage in his town would certainly not require him to present his knife (Rosh).

BACKGROUND

Megillat Ta'anit – Rashi explains that in the talmudic period this was the only portion of the Oral Law that was committed to writing. Even according to those who maintain that the Mishna was written down during the period of the amora'im, halakhic rulings may not be issued directly from a mishna without further analysis. Clear halakhic rulings could be found only in Megillat Ta'anit.

Ruling in one's teacher's place – Rav Ashi: It is prohibited to issue a halakhic ruling in one's teacher's presence if he is within three parasangs of his teacher's place. A student assumes the role of a ruling authority. It is similar to one who rebels against the monarchy by appropriating honor reserved for the king. For this reason, some authorities state that a student may not issue rulings in the place of his principal teacher, even if he received explicit permission from the teacher to do so.

HALAKHA

Examining a knife before one's teacher – It is prohibited for a student to examine a slaughterer's knife in the presence of his teacher (Tur, Yoreh De'a 242).

Disciple-colleague – A disciple who is also his teacher's colleague may not issue a ruling in his teacher's presence if he is within three parasangs of him. If he is farther away than this, it is permitted. If the student received permission from his teacher (Shukl; Vilna Gaon), it is permitted for him to issue a ruling even within three parasangs of his teacher (Rema). However, with regard to his principal teacher, it is prohibited in all circumstances (Shulhan Arukh, Yoreh De'a 242:4 and in the comment of the Rema).
Rav Aĥa bar Ya’akov was a student of Rav Huna, who lived during the second generation of Babylonian amoraim. He lived long enough to discuss matters of halakha with Abaye and Rava, who were among the fourth generation of amoraim.

The scholars of Rav Aĥa bar Ya’akov’s time admired his Torah knowledge. Rava praised him as a great person. He was similarly well known for his outstanding piety and for the miracles that were performed at his request. As the head of the town of Papunya, Rav Aĥa bar Ya’akov instituted a number of ordinances. His students included Rav Pappa and his sister’s son, Rav Aĥa, son of Rav Ika. He also had a son and a grandson, the son of his daughter, both named Rav Ya’akov.

The Gemara expresses surprise: What was Rabbi Elazar from Hagronya –<ref>who it is –<ref>that Hagronya said to them: Should we not be concerned about a certain man tying his donkey to a palm tree on Shabbat. Ravi said to him: Doesn’t the Master hold a knife? Rav Ashi said to him: Let this man be in excommunication, for let his error appear like irreverent behavior. Rava said: Even though it is ordinarily prohibited for a disciple to issue such a ruling, in the presence of his teacher it seems well, i.e., it is permitted. The Gemara answers: That is unnecessary, since Rava said as follows: A Torah scholar may examine a slaughtering knife for himself. Rabbi Elazar from Hagronya then inspected the knife, but he was later punished at the hand of Heaven for disregarding the honor of the senior rabbi.

The Gemara expresses surprise: What was Rabbi Elazar from Hagronya’s mistake? Didn’t Rava say: A Torah scholar may examine a slaughtering knife for himself? The Gemara answers: It was different there, as they had already begun to discuss the issue of the honor of Rav Aĥa bar Ya’akov. Had the name of Rav Aĥa bar Ya’akov never arisen, they would have been permitted to examine the knife themselves. Once his name had been mentioned, however, they should have approached him with the knife. Their failure to do so is considered a display of disrespect.

And if you wish, say instead: Rav Aĥa bar Ya’akov is different, as he was illustrious in age and wisdom, and thus deserved more honor than a regular Sage.

Rava said: Even though it is ordinarily prohibited for a disciple to issue a halakhic ruling in his teacher’s place, if he does so in order to separate another person from a prohibition he is committing, even in his teacher’s presence it seems well, i.e., it is permitted. The Gemara relates that Ravina was once sitting before Rav Ashi when he saw a certain man tying his donkey to a palm tree on Shabbat, in violation of the decree of the Sages against utilizing trees on Shabbat. He raised his voice to him in protest, but the man paid him no attention. Ravina then said to Rav Ashi: Let this man be in excommunication for transgressing the words of the Sages and ignoring a scholar’s rebuke.

Afterward, Ravina said to Rav Ashi: Behavior such as this, the way I acted in your presence just now, does it appear like irreverent behavior? Rav Ashi said to him: With regard to this it is stated: “There is no wisdom or understanding or council against the Lord” (Proverbs 21:30). The Sages expounded this verse as follows: Wherever a desecration of God’s name is involved, no respect is paid even to a teacher, i.e., in such a situation one should disregard the respect due to his teacher’s wisdom and understanding and object to the inappropriate behavior.

Rava said: With regard to one who issues a halakhic ruling in his teacher’s location without the intention of preventing someone from violating a prohibition, the following distinction applies: In the teacher’s actual presence, the disciple is prohibited to issue such a ruling, and if he does so, he is liable to receive the death penalty at the hand of Heaven. However, when he is not in his actual presence, the disciple is still prohibited to issue the ruling, but he is not liable to receive the death penalty.\(^{16}\)
The Gemara asks: Is the disciple not liable to receive the death penalty if he issues his ruling not in the teacher’s presence? But wasn’t it taught otherwise in a baraita: Rabbi Eliezer says: The sons of Aaron died only because they issued a halakhic ruling before Moses, their teacher? What did they expound in support of their conclusion that they must bring fire inside as opposed to waiting to receive fire from the heavens? It is stated in the Torah: “And the sons of Aaron the priest shall put fire on the altar, and lay the wood in order on the fire” (Leviticus 1:7), which led them to say: Although fire descends from Heaven, it is nonetheless a mitzva to bring ordinary fire.

It was further related that Rabbi Eliezer had a certain disciple who issued a halakhic ruling in his presence. Rabbi Eliezer said to his wife, Imma Shalom: I will be surprised if this one completes his year, i.e., if he lives until the end of the year. And so it was, he did not complete his year.

The Gemara answers: In fact, the incident took place in the actual presence of the teacher, which is why the disciple was punished. The distance mentioned refers to the distance between the student’s usual place and the teacher. The Gemara expresses surprise: But didn’t Rabba bar bar Hana say that he was three parasangs away from his teacher? That implies that this was his distance from his teacher at the time of the ruling. The Gemara answers: And, according to your reasoning, that the details of the story must relate to the time of the ruling, why mention his name and his father’s name? Rather, the details were given so that you should not say it was a parable. That is also the reason why he provided the details concerning the student’s usual place. This does not contradict the fact that Yehuda ben Gurya issued his ruling in the actual presence of his teacher.

The Gemara continues to discuss the same topic. Rabbi Hiyya bar Abba said that Rabbi Yoĥanan said: Whoever issues a halakhic ruling in his teacher’s presence is deserving of being bitten by a snake, as it is stated: “And Elihu, son of Barchel the Buzite answered and said, I am young, and you are very old, therefore I held back” (Job 32:1). The Ra’avad writes that their interpretation was certainly not in accordance with the halakha, since this verse refers to the outer altar, rather than to the incense altar, to which they brought fire. However, the severity of their punishment was not due to their mistake; rather, it was because they ruled before their teacher.

Your word have I hidden in my heart — Even when the fire of the altar comes down from Heaven, the priests are still obligated to kindle a fire on the altar, as commanded by the Torah (Rambam Sefer Avoda, Hilkhot Temidin UMusafin 2:3).


Rav Hammuna raised a contradiction between the verse previously mentioned and another verse: It is written: “Your word have I hidden in my heart,” implying that David did not want to reveal the words of Torah, whereas in a second verse it is written: “I have preached righteousness in the great congregation” (Psalms 40:106). He answered: This is not difficult. Here, in the verse in which David remained silent, it is referring to the period when Ira HaYa’iri, David’s teacher, was alive; there, in the verse where he publicized his words, it is referring to the period when Ira HaYa’iri was no longer alive.

Having mentioned Ira HaYa’iri, the Gemara now cites a related teaching. Rabbi Abba bar Zavda said: Whoever gives all his priestly gifts to one priest has acted improperly and brings famine into the world as punishment. As it is stated: “And also Ira HaYa’iri was a priest for David” (1 Samuel 20:26), which invites the question: Was he a priest for David alone, and not for anyone else? Rather, it means that David would send all his priestly gifts to him alone, i.e., he was the only priest to enjoy David’s gifts. And it is written afterward: “And there was a famine in the days of David, three years, year after year” (1 Samuel 21:1).

Rabbi Eliezer says: Anyone who rules in his teacher’s presence is lowered from his position of greatness, as it is stated: “And Elazar the priest said to the men of war who went to battle: This is the statute of the Torah which the Lord commanded Moses” (Numbers 31:21). Although Elazar said to the soldiers: God commanded this statute to my father’s brother, while to me He did not command it, even so he was punished for speaking in this manner in the presence of his teacher, Moses.

What was his punishment? As it is written that God had told Moses with regard to Joshua: “And he shall stand before Elazar the priest, who shall inquire for him by the judgment of the Urim before the Lord: at his word shall they go out, and at his word they shall come in, both he, and all the children of Israel with him, even all the congregation” (Numbers 27:21). Elazar was originally awarded a place of great honor. But we do not find in the Bible that Joshua ever had need of him. It is never stated that Joshua made use of the Urim through Elazar, which shows that Elazar never achieved the greatness promised him.

With regard to this same issue, Rabbi Levi said: Whoever answers a word in the presence of his teacher will go down to the netherworld childless, as it is stated: “And Joshua bin Nun, the minister of Moses from his youth, answered and said: My lord Moses, shut them in” (Numbers 11:28). Since he spoke to his teacher out of turn, he was punished by remaining childless.

And it is written at the end of the list of the descendants of Ephraim: “Non his son, Joshua his son” (1 Chronicles 7:27), which implies that Joshua himself had no children.

And this tradition differs from the following statement of Rabbi Abba bar Pappa, for Rabbi Abba bar Pappa said: Joshua was punished to remain childless only because he had prevented the Jewish people from fulfilling the commandment of being fruitful and multiplying for one night. Therefore, he was punished measure-for-measure by not having children himself.

As it is stated: “And it came to pass when Joshua was by Jericho that he lifted up his eyes and looked, and, behold, a man stood over against him with his sword drawn in his hand” (Joshua 5:13), and it is written further: “And he said: No, but I am captain of the host of the Lord, I am now come” (Joshua 5:14). The man, an angel, came to demand something of Joshua and to rebuke him.
And Joshua walked... in the midst of the valley – בְּתוֹךְ רָעֵמֶךְ. Parallel versions of this discussion cite a different verse: “But Joshua lodged that night among the people” (Joshua 8:9).

And Joshua walked that night in the midst of the valley [ha’emek] (Joshua 8:13). And Rabbi Yoĥanan said: This teaches that he walked all night in the depth [be’oneca] of halakha, thereby atoning for his previous neglect of Torah study.

The Gemara now cites a further teaching in this regard: Rabbi Shmuel bar Inya said in the name of Rav: Torah study is greater than the offering of daily sacrifices, as the angel said to Joshua: “I am now come,” i.e., on account of the second sin, demonstrating that neglect of Torah study is a more serious offense than neglect of the daily offerings.

With regard to the neglect of the commandment of procreation, Rav Beruna said that Rav said: Whoever sleeps in a chamber in which a husband and wife are resting, thus thwarting their intimacy, the verse says about him: “The women of my people you cast out from their pleasant houses” (Micah 2:9), and his punishment is detailed in that chapter.

Rava said: If his wife is menstruating, may a blessing come upon him: “The angel examined your domain, but your right to use the alleyway, so that it will not render it prohibited for us to carry. He would not rent it to them, and therefore they could not carry in the alleyway on Shabbat.

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The Gemara returns to the issue of renting out domains for the purpose of an eiruv. The Gemara relates that there was a certain alleyway in which the gentle, Laĥman bar Ristik, lived. His Jewish neighbors said to him: Rent us your domain, i.e., your right to use the alleyway, so that it will not render it prohibited for us to carry. He would not rent it to them, and therefore they could not carry in the alleyway on Shabbat.

The angel said to him: Last night, due to your preparations for war, you neglected the daily evening offering, and now, tonight, you are neglecting Torah study. Joshua asked him: For which of these sins have you come specially to reproove me? He said to him: “I am now come,” i.e., the fact that I did not come last night, but waited until now, shows that the sin of neglecting Torah study is the more severe one.

Joshua immediately acted to rectify the matter by deciding that he must devote more time to learning Torah, as it is stated: “And Joshua walked that night in the midst of the valley” [ha’emek] (Joshua 8:13). And Rabbi Yoĥanan said: This teaches that he walked all night in the depth [be’oneca] of halakha, thereby atoning for his previous neglect of Torah study.

And they learned as a tradition that any time that the Ark and the Divine Presence are not resting in their proper places, the entire Jewish people are prohibited from engaging in marital relations. Owing to the nation’s preoccupation with war, the Ark was not restored to its rightful place in the Tabernacle. Since Joshua did not attend to this state of affairs, he was responsible for the people’s neglect of the commandment to be fruitful and multiply, for which he was punished by remaining childless.

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And Joshua walked... in the midst of the valley – בְּתוֹךְ רָעֵמֶךְ. Parallel versions of this discussion cite a different verse: “But Joshua lodged that night among the people” (Joshua 8:9).

Apparently, both verses together teach that he was deeply involved in the study of halakha that night. It should be noted that this did not actually occur immediately after the angel spoke, but later, before the war against Ai. The Mahansha adds that the idea that the angel came to reprove Joshua for neglecting the Torah is explicitly supported by verses that follow the passage where Joshua reads the Torah before the people (see Joshua 8).

The neglect of the commandment to be fruitful and multiply – שְׁרוּיִין שֶׁל וּמְוֹן – אֲסוּרִין. The early authorities ask: How do we know that Joshua was not punished for neglecting the daily offering or for the neglect of the Torah? They answer that God metes out punishment based on the principle of measure for measure. Since Joshua had no children, he must have been punished for causing the nation to neglect the commandment to be fruitful and multiply (Tosafot).

In the case of a man whose wife is menstruating – וְאָמַר לֵירָד אוֹגַר לָן. Even though such a couple may not engage in relations, the presence of a stranger still prevents them from discussing private matters. In addition, a woman desires to be close to her husband (Rabbeinu Yehonatan).

Rent us your domain – בְּאִשְׁתּוֹ ִדָּר רִיא. The Rif adds an exchange in which the Jewish residents requested of Laĥman bar Ristik: Renounce your domain in our favor; and he refused to do so. Rabbeinu Yehonatan explains that even though the renunciation of rights is ineffective in the case of a gentle, they wanted to test whether he would be willing to compromise.
Renunciation of one's domain in the place of a gentile — דיני מות: If Jews living in a courtyard with a gentile renounce their domains in favor of one Jew, so that he would be considered a single individual living in a courtyard with a gentile, it is ineffective with regard to carrying on Shabbat. Their only recourse is to rent the gentile's residence, as stated by Rava (Shulhan Arukh, Orah Hayyim 382:2).

The early authorities ask: How do we know that Joshua for neglecting the commandment to be fruitful and multiply — בְּמִלְּתָא דְּלָא שְׁכִיחָא רִיא, וּמִילְּתָא דְּלָא שְׁכִיחָא לָא גְּזַרוּ בָּרְבֵּר רַבָּ ַן. The rationale of the Sages for not applying their decrees to uncommon circumstances is based on the reason behind their decrees in general. A rabbinic decree does not address an action that is prohibited in and of itself. Rather, it is a safeguard to prevent the violation of another prohibition. Therefore, there is no reason to institute such preventive measures for unique and exceptional cases, as those situations are not common enough to potentially lead people to violate other prohibitions.

An uncommon occurrence — משילְּתָא דְּלָא רְשׁוּתָךְ. The rationale of the Sages for not applying their decrees to uncommon circumstances is based on the reason behind their decrees in general. A rabbinic decree does not address an action that is prohibited in and of itself. Rather, it is a safeguard to prevent the violation of another prohibition. Therefore, there is no reason to institute such preventive measures for unique and exceptional cases, as those situations are not common enough to potentially lead people to violate other prohibitions.

The Sages did not establish that in the case of one individual living in the same place as a gentile, the gentile does not render it prohibited for him to carry. Consequently, one person at least will be able to make use of the alleyway.

They said to him: But isn’t the reason that no restrictions are imposed when one person lives together with a gentile in the same courtyard only that it is not common for people to live with a gentile in that fashion? But here, many people are in fact living in the same alleyway as the gentile. In this more common situation, the Sages did impose restrictions.

Abaye said to them: Any renunciation of the domains of many people in favor of a single individual is an uncommon occurrence. The principle is that in the case of an uncommon occurrence, the Sages did not issue a decree as a preventive measure. In pressing circumstances such as these, one may rely on this allowance.

Rav Huna, son of Rav Yehoshua, went and reported this halakha before Rava, who said to him:

Renunciation of one's domain in the place of a gentile — דיני מות: If Jews living in a courtyard with a gentile renounce their domains in favor of one Jew, so that he would be considered a single individual living in a courtyard with a gentile, it is ineffective with regard to carrying on Shabbat. Their only recourse is to rent the gentile's residence, as stated by Rava (Shulhan Arukh, Orah Hayyim 382:2).

The early authorities ask: How do we know that Joshua for neglecting the commandment to be fruitful and multiply — בְּמִלְּתָא דְּלָא שְׁכִיחָא רִיא, וּמִילְּתָא דְּלָא שְׁכִיחָא לָא גְּזַרוּ בָּרְבֵּר רַבָּ ַן. The rationale of the Sages for not applying their decrees to uncommon circumstances is based on the reason behind their decrees in general. A rabbinic decree does not address an action that is prohibited in and of itself. Rather, it is a safeguard to prevent the violation of another prohibition. Therefore, there is no reason to institute such preventive measures for unique and exceptional cases, as those situations are not common enough to potentially lead people to violate other prohibitions.

An uncommon occurrence — משילְּתָא דְּלָא רְשׁוּתָךְ. The rationale of the Sages for not applying their decrees to uncommon circumstances is based on the reason behind their decrees in general. A rabbinic decree does not address an action that is prohibited in and of itself. Rather, it is a safeguard to prevent the violation of another prohibition. Therefore, there is no reason to institute such preventive measures for unique and exceptional cases, as those situations are not common enough to potentially lead people to violate other prohibitions.

The Sages did not establish that in the case of one individual living in the same place as a gentile, the gentile does not render it prohibited for him to carry. Consequently, one person at least will be able to make use of the alleyway.

They said to him: But isn’t the reason that no restrictions are imposed when one person lives together with a gentile in the same courtyard only that it is not common for people to live with a gentile in that fashion? But here, many people are in fact living in the same alleyway as the gentile. In this more common situation, the Sages did impose restrictions.

Abaye said to them: Any renunciation of the domains of many people in favor of a single individual is an uncommon occurrence. The principle is that in the case of an uncommon occurrence, the Sages did not issue a decree as a preventive measure. In pressing circumstances such as these, one may rely on this allowance.

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