

**Kutah** – כִּיתָח: *Kutah* was a common seasoning used in Babylonia. It was made from milk serum, salt, and bread fermented to the point of moldiness, with the occasional addition of other spices.

## NOTES

**Megillat Ta'anit** – מִגִּילַת תַּעֲנִית: 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** – לְהוֹרוֹת בְּמִקוֹם רַבּוֹ: The main rationale for this prohibition is the disrespect shown for the teacher when a disciple 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

**Ruling in one's teacher's place** – לְהוֹרוֹת בְּמִקוֹם רַבּוֹ: A disciple is prohibited from issuing a halakhic ruling in his teacher's place. Even explicit permission from the teacher does not remove this prohibition so long as the student is within three parasangs of his teacher (Rema; *Shulhan Arukh, Yoreh De'a* 242:4).

אָמַר לֵיהּ: אֶפְּלוּ בֵיעֵתָא בְּכוּתָחָא  
בְּעוּ מִינָהּ מֵרַב חֲסָדָא כֹּל שְׁנֵי דְרַב  
הוּנָא, וְלֹא אוּרִי.

Rav Yosef said to Abaye: Even when Rav Hisda was asked about the permissibility of cooking an egg in *kutah*,<sup>B</sup> a dairy dish, throughout the years of Rav Huna's life, he refused to issue a ruling. Rav Hisda 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.

אָמַר לֵיהּ רַבִּי יַעֲקֹב בַּר אֲבָא  
לְאֲבִי: כְּגוֹן מִגִּילַת תַּעֲנִית, דְּכִתְּבִיא  
וּמִנְחָא, מַהוּ לְאוּרוּי בְּאַתְרֵיהּ  
דְּרַבִּינָהּ? אָמַר לֵיהּ, הֲכִי אָמַר רַב  
יוֹסֵף: אֶפְּלוּ בֵיעֵתָא בְּכוּתָחָא עֲבָדוּ  
מִינָהּ מֵרַב חֲסָדָא כֹּל שְׁנֵי דְרַב  
הוּנָא, וְלֹא אוּרִי.

Rabbi Ya'akov bar Abba said to Abaye: With regard to matters such as those detailed in *Megillat Ta'anit*,<sup>N</sup> 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 Hisda was asked about the permissibility of cooking an egg in *kutah* throughout the years of Rav Huna's life, he refused to issue a ruling.<sup>H</sup>

רַב חֲסָדָא אוּרִי בְּכַפְרֵי בְּשְׁנֵי דְרַב  
הוּנָא.

The Gemara relates that Rav Hisda 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.<sup>N</sup>

## Perek VI

## Daf 63 Amud a

רַב הַמְּנוּנָא אוּרִי בְּחַרְתָּא דְאַרְגֵּז  
בְּשְׁנֵי דְרַב חֲסָדָא.

Rav Hamnuna issued halakhic rulings in the town of Harta De'argez<sup>B</sup> during the years of Rav Hisda's life, even though Rav Hisda was his teacher.

רַבִּינָא סָר סְכִינָא בְּבַבְלָא. אָמַר  
לֵיהּ רַב אַשִּׁי: מַאי טַעֲמָא עֲבָד  
מִרְהִיבִי?

The Gemara relates that Ravina once examined a slaughterer's knife in Babylonia to check if it was fit for slaughtering,<sup>N</sup> 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?<sup>H</sup>

אָמַר לֵיהּ: וְהָא רַב הַמְּנוּנָא אוּרִי  
בְּחַרְתָּא דְאַרְגֵּז בְּשְׁנֵי דְרַב חֲסָדָא.  
אָמַר לֵיהּ: "לֹא אוּרִי" אֲתָמַר.

Ravina said to him: Didn't Rav Hamnuna issue halakhic rulings in Harta De'argez during the years of Rav Hisda'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 Hisda's lifetime, and that is the correct tradition.

אָמַר לֵיהּ: אֲתָמַר אוּרִי, וְאֲתָמַר לֹא  
אוּרִי. בְּשְׁנֵי דְרַב הוּנָא רַבִּינָא – הוּא  
דְּלֹא אוּרִי, וְאוּרִי בְּשְׁנֵי דְרַב חֲסָדָא.  
דְּתַלְמִיד חֲבֵר דִּילֵיהּ הוּא. וְאַנָּה  
נִמְוִי תַלְמִיד חֲבֵר דְמִרְהִיבִי אָנָּה.

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 Hisda's life, for Rav Hamnuna was Rav Hisda's disciple-colleague.<sup>H</sup> 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.

אָמַר רַבָּא: עוֹרְבָא מִרְבֵּנֵי חוּזִי  
לְנַפְשֵׁיהּ. רַבִּינָא אִיקְלַע לְמַחוּזָא.  
אֵייתֵי אוֹשְׁפּוּיְכֻנְיָה סְכִינָא וְקָא  
מַחוּזֵי לֵיהּ. אָמַר לֵיהּ: זִיל אֲמַטְשֵׁיהּ  
לְרַבָּא.

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

**Harta De'argez** – חַרְתָּא דְאַרְגֵּז: Harta De'argez was a town in Babylonia, whose builder, Argez, is the subject of various traditions. A geonic tradition places the town near Baghdad, about a parasang, or approximately 4 km, away.

## NOTES

**The examination of a knife** – בְּדִיקַת סְכִינָא: The knife utilized in ritual slaughtering must be without blemish, as an animal slaughtered with a blemished knife has the status of an unslaughtered carcass [*neveila*] and may not be eaten. Therefore, the knife must be examined before use. The Sages in tractate *Hullin* state that fundamentally, the slaughterer is considered trustworthy in this regard, and he is relied upon to check the knife himself. Nevertheless, out of respect for the Sages, 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).

## HALAKHA

**Examining a knife before one's teacher** – בְּדִיקַת סְכִינָא בְּפְנֵי רַבּוֹ: 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** – תַּלְמִיד חֲבֵר: 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 (*Shakh, Vilna Gaon*), it is permitted for him 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).

PERSONALITIES

Rav Aḥa bar Ya'akov – רב אחא בר יעקב: Rav Aḥa bar Ya'akov was a student of Rav Huna, who lived during the second generation of Babylonian *amora'im*. He lived long enough to discuss matters of *halakha* with Abaye and Rava, who were among the fourth generation of *amora'im*.

The scholars of Rav Aḥa 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 Aḥa bar Ya'akov instituted a number of ordinances. His students included Rav Pappa and his sister's son, Rav Aḥa, son of Rav Ika. He also had a son and a grandson, the son of his daughter, both named Rav Ya'akov.

HALAKHA

They had begun to discuss the honor of Rav Aḥa bar Ya'akov – דארתחילו בכבודו: Even if a disciple is also his teacher's colleague and he is not in the presence of his teacher, he is prohibited from ruling in his teacher's place in the context of a discussion of his teacher's honor or if his teacher is elderly or an outstanding scholar. This *halakha* is in accordance with both explanations of the incident recounted in the Gemara (*Shulḥan Arukh, Yoreh De'a 242:4*).

To separate from a prohibition – לאפרושי – מאיסורא: To prevent another person from violating a prohibition, a disciple may issue a ruling even in the presence of his teacher (*Shulḥan Arukh, Yoreh De'a 242:11*).

A student who issues a ruling in his teacher's presence – תלמיד המורה בפני רבו: A disciple is prohibited from issuing a ruling in his teacher's presence. One who does so is liable to be put to death at the hand of Heaven. If he is not in his teacher's presence, it is likewise prohibited, but he is not punished for this offense (*Shulḥan Arukh, Yoreh De'a 242:4*).

אמר ליה: לא סבר מר הא דאמר רבא צורבא מרבנן חזי לנפשיה! אמר ליה אנא מיזבן ובינא.

(סימן זיל"א להנ"א מחל"ף איק"א ויעק"ב)

רבי אלעזר מהגרוניא ורב אבא בר תחליפא איקלעו לבי רב אחא בריה דרב איקא בארתיה דרב אחא בר יעקב. בעי רב אחא בריה דרב איקא למיעבד להו עיגלא תילתא, אייתי סבינא וקא מחוי להו.

אמר להו רב אחא בר תחליפא: לא ליחוש ליה לסבא? אמר להו רבי אלעזר מהגרוניא, הכי אמר רבא: צורבא מרבנן חזי לנפשיה. חזי – ואיעניש רבי אלעזר מהגרוניא.

והאמר רבא: צורבא מרבנן חזי לנפשיה! שאני התם דארתחילו בכבודו.

ואי בעית אימא: שאני רב אחא בר יעקב, דמופלג.

אמר רבא: ולאפרושי מאיסורא – אפילו בפני שפיר דמי. רבינא הוה יתיב קמיה דרב אשי, חזייה ליה הוא גברא דקא אסר ליה לחמריה בעינתא בשבתא, רמא ביה קלא ולא אשגח ביה. אמר ליה: ליהוי האי גברא בשמתא!

אמר ליה: כי האי גוונא מי מתחזא באפקרוותא? אמר ליה: "אין חכמה ואין תבונה ואין עצה לנגד ה'", כל מקום שיש בו חילול השם – אין חולקין כבוד לרב.

אמר רבא: בפניו – אסור, וחתיב מיתה, שלא בפניו – אסור, ואין חתיב מיתה.

The host said to him: Doesn't the Master hold in accordance with that which Rava said: A Torah scholar may examine a slaughtering knife for himself? In this case I am using the knife to slaughter on your behalf. Ravina said to him: Since I am only buying the meat from you, it is not considered as though I am slaughtering for myself. Rava's principle does not apply to such a case.

The Gemara cites a mnemonic for the names of the Sages mentioned in the following discussion: *Zila Lehanya*: Rabbi Elazar from Hagronya; *Mahlif*: Rav Abba bar Taḥalifa; *Ika*: Rav Aḥa bar Ika; and *Ya'akov*: Rav Aḥa bar Ya'akov.<sup>p</sup>

The Gemara now relates that Rabbi Elazar from Hagronya and Rav Abba bar Taḥalifa happened to come to the house of Rav Aḥa, son of Rav Ika, in the place of jurisdiction of Rav Aḥa bar Ya'akov. Rav Aḥa, son of Rav Ika, wanted to prepare for them a third-born calf, whose meat was considered a delicacy. He brought out a slaughtering knife and showed it to them.

Rav Abba bar Taḥalifa said to them: Should we not be concerned with the respect of the Elder, Rav Aḥa bar Ya'akov, and present the knife to him for inspection, as this is his town? Rabbi Elazar from Hagronya said to them: That is unnecessary, since Rava said as follows: A Torah scholar may examine a 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 Aḥa bar Ya'akov.<sup>h</sup> Had the name of Rav Aḥa 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 Aḥa 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<sup>h</sup> 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.<sup>h</sup>

The death of the sons of Aaron – **מיתת בני אהרן** – A dispute among the *tanna'im* is recorded in *Torat Kohanim* with regard to the reason for the deaths of Aaron's sons. In this context only one opinion is cited, since the *tanna'im* do not disagree about the severity of the various transgressions suggested, as they all incur the death penalty. Their dispute pertains only to that particular incident and to the nature of the sin that Aaron's sons committed.

What did they expound – **מאי דרוש** – 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 – **בלבי צפנתי אמרתך** – The connection to the topic at hand is clarified by a previous verse: "How shall a young man keep his way pure? By guarding it according to Your word" (Psalms 119:9). The verse refers to a student, or "young man," before his teacher (Maharsha).

## HALAKHA

A mitzva to bring ordinary fire – **מצוה להביא מן ההדיוט** – 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* 2:1).

ושלא בפניו לא? והא תנא. רבי אליעזר אומר: לא מתו בני אהרן עד שהורו הלכה בפני משה רבן. מאי דרוש "ונתנו בני אהרן הכהן אש על המזבח" אמרו: אף על פי שהאש יורדת מן השמים – מצוה להביא מן ההדיוט.

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<sup>N</sup> only because they issued a halakhic ruling before Moses, their teacher? What did they expound<sup>N</sup>** in support of their conclusion that they must bring fire inside as opposed to waiting for fire to come down 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.**<sup>H</sup> Although they derived this from the verses, they were punished for ruling in the presence of their teacher.

ותלמיד אחד היה לו לרבי אליעזר שהורה הלכה בפניו. אמר רבי אליעזר לאימא שלום אשתו: תמיה אני אם יוציא זה שנתו. ולא הוציא שנתו.

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.**

אמרה לו: נביא אתה? אמר לה: לא נביא אנכי ולא בן נביא אנכי, אלא כך מקובלני: כל המורה הלכה בפני רבו חייב מיתה.

His wife said to him: **Are you a prophet?** He said to her: **I am not a prophet, nor the son of a prophet, but I have received the following tradition: Anyone who issues a halakhic ruling in his teacher's presence is liable to receive the death penalty.**

ואמר רבה בר בר חנה אמר רבי יוחנן: אותו תלמיד יהודה בן גוריא שמו, והיה רחוק ממנו שלש פרסאות!

And Rabba bar bar Hana said that Rabbi Yoḥanan said: **That disciple was named Yehuda ben Gurya, and he was three parasangs away from Rabbi Eliezer. Apparently, one is liable for the death penalty even if he did not issue his ruling in his teacher's presence.**

בפניו הוה. והא רחוק ממנו שלש פרסאות קאמר! וליטעמיך שמו ושם אביו למה? אלא: שלא תאמר משל היה.

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.

אמר רבי חייה בר אבא אמר רבי יוחנן: כל המורה הלכה בפני רבו ראוי להכישו נחש, שנאמר: "ויען אליהוא בן ברכאל הבוזי ויאמר צעיר אני לימים וגו' על כן זחלתני" ובתיב: "עם חמת זחלתי עפר".

The Gemara continues to discuss the same topic. **Rabbi Hiyya bar Abba said that Rabbi Yoḥanan 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 Barachel the Buzite answered and said, I am young, and you are very old; therefore I held back [*zahalti*] and I was afraid, and did not declare my opinion to you" (Job 32:6), and it is written: "With the venom of the crawling things of [*zohalei*] the dust" (Deuteronomy 32:24), which refers to snakes. Elihu's statement is understood as follows: I must apologize for speaking in my teacher's presence, for one who does so is liable to be punished with the bite of a snake.**

ועירי אמר רבי חנינא: נקרא חוטא, שנאמר: "בלבי צפנתי אמרתך למען לא אחטא לך".

**Ze'eiri said that Rabbi Hanina said: Whoever issues a halakhic ruling in his teacher's presence is called a sinner, as it is stated: "Your word have I hidden in my heart,<sup>N</sup> that I might not sin against You" (Psalms 119:11).** In what case would speaking one's word entail a sin? In a case where one rules on a matter of *halakha* in the presence of his teacher.

Gifts to one priest – מתנות לכהן אחד – A person should not give all of his gifts to a single priest or to a single pauper (Shulhan Arukh, Yoreh De'a 257:9).

רב המנונא רמי, כתיב: "בלבי צפנתי אמרתך" וכתוב: "בשרתי צדק בקהל רב! לא קשיא: כאן – בזמן שעירא היאירי קיים, כאן – בזמן שאין עירא היאירי קיים.

אמר רבי אבא בר זבדא: כל הנותן מתנותיו לכהן אחד – מביא רעב לעולם, שנאמר: "עירא היאירי היה כהן לדוד", לדוד הוא דהוה כהן לכולי עלמא לא? אלא שהיה משגרו לו מתנותיו. וכתוב בתריה: "ויהי רעב בימי דוד".

רבי אליעזר אומר: מורידין אותו מגדולתו שנאמר: "ויאמר אלעזר הכהן אל אנשי הצבא וגו'". אף על גב דאמר להו: לאחי אבא צוה ואותי לא צוה – אפילו הכי איענש.

דכתיב: "ולפני אלעזר הכהן יעמד" – ולא אשכחן דאיצטריך ליה יהושע.

אמר רבי לוי: כל דמותיב מלה קמיה רביה – אויל לשאול בלא ולד, שנאמר: "ויען יהושע בן נון משרת משה מבחוריו ויאמר אדוני משה כלאם"

Rav Hamnuna 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 40:10). 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<sup>h</sup> 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"** (II 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"** (II 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.

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Daf 63 Amud b

וכתיב: "גון בנו יהושע בנו".

ופליגא דרבי אבא בר פפא, דאמר רבי אבא בר פפא: לא נענש יהושע אלא בשביל שבטל את ישראל לילה אחת מפריה ורביה.

שנאמר: "ויהי בהיות יהושע ביריחו וישא עיניו וירא וגו' וכתוב: "ויאמר (לו) כי אני שר צבא ה' עתה באתי וגו'".

**And it is written at the end of the list of the descendants of Ephraim: "Non his son, Joshua his son"** (I 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.

אמר לו: אַמֵּשׁ בִּיטְלִיתֶם תְּמִיד שֶׁל בֵּין  
הָעֶרְבִים, וְעַבְשׂוּ בִּיטְלִיתֶם תְּלִמּוּד  
תּוֹרָה. עַל אֵיזוֹ מִהֶן בָּאתָ? אָמַר לוֹ:  
עָתָה בָּאתִי.

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 reprove 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.

מִדַּי “וַיֵּלֶךְ יְהוֹשֻׁעַ בְּלֵילָה הַהוּא  
בְּתוֹךְ הָעֵמֶק.” וְאָמַר רַבִּי יוֹחָנָן: מִלְּמַד  
שֶׁהָלַךְ בְּעוֹמֶקָהּ שֶׁל הַלְּבָבָה.

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<sup>N</sup> [*ha'emek*]” (Joshua 8:13). And Rabbi Yohanan said: This teaches that he walked all night in the depth [*be'omeka*] of *halakha*, thereby atoning for his previous neglect of Torah study.

וְגַמְרִי: דְּכָל זְמַן שֶׁאָרוֹן וְשִׁבְעָה  
שְׂרוּיִין שָׁלֵא בְּמִקוֹמָן – אִסּוּרִין  
בְּתַשְׁמִישׁ הַמְטָה.

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,<sup>N</sup> for which he was punished by remaining childless.

אָמַר רַבִּי שְׁמוּאֵל בַּר אֵינָא מְשַׁמֵּיה  
דְּרַב: גְּדוּלַּת תְּלִמּוּד תּוֹרָה יוֹתֵר  
מִהַקְרַבַת תְּמִידִין, דְּאָמַר לֵיה: עָתָה  
בָּאתִי.

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.

אָמַר רַב בְּרוּנָא אָמַר רַב: כָּל הַיֵּשֶׁן  
בְּקִילְעָא שְׂאִישׁ וְאִשְׁתּוֹ שְׂרוּיִין בֵּה –  
עָלִיו הַכְּתוּב אוֹמַר: “נָשִׂי עַמִּי תִגְרְשׁוּן  
מִבֵּית תַּעֲנַגְיָהּ.”

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.

וְאָמַר רַב יוֹסֵף: אֶפְיָלוּ בְּאִשְׁתּוֹ נְדָה.

And Rav Yosef said: This applies not only to a woman who is ritually pure and permitted to her husband, but even in the case of a man whose wife is menstruating,<sup>N</sup> for even then, although she is prohibited to him, they are more comfortable being alone together.

רַבָּא אָמַר: אִם אִשְׁתּוֹ נְדָה הִיא –  
תְּבֵא עָלֶיהָ בְּרָכָה. וְלֹא הִיא, דְּעַד  
הָאִידְנָא מֵאֵן נָטְרִיה.

Rava said: If his wife is menstruating, may a blessing come upon the person sleeping in the room, for he protects the couple from the possibility of sin. The Gemara rejects this: But that is not so, i.e., this argument is invalid, for who protected the husband until now? In other words, there is no need for concern in this case, and hence one must refrain from behavior that causes distress to the couple.

הֵהוּא מְבוֹאָה דְּהוּה דִּייר בֵּה לְחֻמָּן  
בְּרִיסְתָק, אָמְרוּ לֵיה: אוֹגֵר לָן  
רְשׁוּתְךָ. לֹא אוֹגֵר לָהּ.

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 gentile, Lahman bar Ristak, lived. His Jewish neighbors said to him: Rent us your domain,<sup>N</sup> 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.

#### NOTES

And Joshua walked...in the midst of the valley – וַיֵּלֶךְ...בְּתוֹךְ: 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 Maharsha 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 – בִּישְׁוֹל פְּרִיה וְרִבְיָה: 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 – בְּאִשְׁתּוֹ נְדָה: 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 – אוֹגֵר לָן רְשׁוּתְךָ: The Rif adds an exchange in which the Jewish residents requested of Lahman bar Ristak: 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 gentile, they wanted to test whether he would be willing to compromise.

HALAKHA

Renunciation of one's domain in the place of a gentile – ביטול רשות במקום נכרי: 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, Oraḥ Hayyim* 382:2).

NOTES

An uncommon occurrence – מילתא דלא שכיחא: 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.

אָתוּ אָמְרוּ לֵיהּ לְאַבְיֵי; אָמַר לְהוּ: זֵילוּ בְּטוּלוֹ רְשׁוּתֵיכוֹ לְגַבֵּי חַד, הָוּה לֵיהּ יַחֲד בְּמָקוֹם גּוֹי, וְיַחֲד בְּמָקוֹם גּוֹי לֹא אָסֵר.

The Jewish neighbors came and spoke to Abaye, asking him how they might proceed. He said to them: Go, all of you, and renounce your domains, i.e., your rights to use the alleyway, in favor of one person, who will be permitted to carry in it. In this manner it is a case of one individual living in the same place as a gentile. And the halakha has already been established 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.<sup>h</sup>

אָמְרוּ לֵיהּ: מִיָּדֵי הוּא טַעֲמָא אֲלָא דְלֹא שְׂכִיחַ דְּדִירֵי – וְהַכָּא הָא קְדִירֵי!

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.

אָמַר לְהוּ: כָּל בְּטוּלוֹי רְשׁוּתֵיהּוּ גַבֵּי חַד – מִלְּתָא דְלֹא שְׂכִיחָא הִיא, וּמִלְּתָא דְלֹא שְׂכִיחָא לָא גּוֹרוּ בַּהּ רַבָּנִי.

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,<sup>n</sup> the Sages did not issue a decree as a preventive measure. In pressing circumstances such as these, one may rely on this allowance.

אָוֵל רַב הוּנָא בְּרִיהּ דְּרַב יְהוֹשֻׁעַ אָמְרָה לְשִׁמְעֵתָא קַמֵּיהּ דְּרַבָּא, אָמַר לֵיהּ:

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

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HALAKHA

Even his hired laborer and even his harvester – אָפִילוּ שְׂכִירוֹ וְאָפִילוּ לְקִיטוֹ: A gentile's wife, his laborer, or his harvester may rent out his residence for the purpose of an *eiruv*, even without his knowledge and despite his objections (Rosh). Other authorities rule that if he objects, not even his wife may rent it out, and certainly not his hired laborer (Rambam; see *Taz; Shulhan Arukh, Oraḥ Hayyim* 382:11).

A gentile who does not want to rent – נְכָרִי שְׂאֵינוּ רוֹצֵה: If a gentile refuses to rent out his residence for the purpose of an *eiruv*, one of the residents of the alleyway should befriend him until he grants the Jewish resident permission to place something in his domain. The Jewish resident thereby attains the status of the gentile's laborer and may rent out the gentile's residence to the Jews without the gentile's permission (Rambam; Rashba). Some commentaries say that in such a case it is not even necessary to rent the residence. It is sufficient to place the *eiruv* there (Rashi; *Tur; Rabbeinu Yeruham*). According to the *Bah*, one must be stringent in accordance with both of these opinions, while the *Shulhan Arukh HaRav* rules in accordance with the second opinion. However, one should act in accordance with Rambam's opinion *ab initio* (*Shulhan Arukh, Oraḥ Hayyim* 382:12).

אִם כֵּן בִּיטְלַת תּוֹרַת עֵירוּב מֵאוֹתוֹ מְבוּיִן

If so, you have abolished the halakhic category of *eiruv* from that alleyway. Since from a halakhic perspective it is considered as though only one person lives in that alleyway, there is no need for an *eiruv*. Consequently, when the residents carry in it without an *eiruv*, observers will mistakenly think that it is permitted to carry in an alleyway even without an *eiruv*.

דְּמַעְרְבֵי. יֹאמְרוּ "עֵירוּב מוֹעִיל בְּמָקוֹם גּוֹי" דְּמַכְרִזִּינָן.

Rav Huna, son of Rav Yehoshua, replied: It is required that they establish an *eiruv* anyway, as a reminder of the laws of *eiruv*, even though it serves no halakhic purpose. Rava retorted that this in turn results in a different problem: Observers will then say that an *eiruv* is effective even in the place of a gentile, even if he does not rent out his domain, which is against the *halakha*. He replied: We make an announcement to the effect that they are not carrying because of the *eiruv*, and that it only serves as a reminder.

אֲכַרְוֹתָא לְדַרְדְּקִי?

Rava rejected this option as well: Can we make an announcement for the children? Even if it is assured that all adults present will hear the announcement, how will the children, who do not hear or understand the announcement, know the *halakha* later in life? Recalling that their fathers established an *eiruv* in this alleyway, they will think that an *eiruv* is effective even in the place of a gentile. Therefore, one cannot rely on Abaye's solution.

אֲלָא אָמַר רַבָּא: לְיִזְיֵל חַד מִיַּנְיֵהוּ – לְיִקְרַב לֵיהּ וְלִשְׂאוֹל מִיַּנְיֵה דּוֹבְתָא, וְלִיַּנַּח בֵּיהּ מִיָּדֵי דְהָוָה לֵיהּ בְּשְׂכִירוֹ וְלְקִיטוֹ. וְאָמַר רַב יְהוּדָה אָמַר שְׂמוּאֵל: אָפִילוּ שְׂכִירוֹ וְאָפִילוּ לְקִיטוֹ – נוֹתֵן עֵירוּבוֹ וְדִין.

Rather, Rava said that the gentile's Jewish neighbors should proceed as follows: Let one of them go and become friendly with the gentile, and ask him for permission to make use of a place in his domain, and set something down there, thus becoming like the gentile's hired laborer or harvester. And Rav Yehuda said that Shmuel said: Not only can the gentile himself rent out his domain for the purpose of an *eiruv*, but even his hired laborer, and even his harvester,<sup>h</sup> if he is a Jew, may rent out the space and contribute to the *eiruv* on his behalf, and this is enough.<sup>h</sup>