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Eiruv Daf 63

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**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

**One who is forbidden to render Halachic decisions cannot inspect a knife used for ritual slaughter.**

[The knife used for ritual slaughter must be completely smooth in order for the animal or bird that is slaughtered to be considered kosher. The custom was that a slaughterer would bring his knife to a Torah scholar to have the knife inspected. This was done as a sign of respect for the sage. Inspecting a knife is akin to rendering a Halachic decision, so a student cannot inspect the knife in the vicinity of his teacher.] Ravina examined the slaughterer's knife in Babylon. Said Rav Ashi to him, 'Why does the Master act in this manner?' 'Did not,' the other replied: 'Rav Hamnuna decide legal points at Charta di Argiz during the lifetime of Rav Chisda?' — 'It was stated', the first retorted: 'that he did not decide legal points'. 'The fact is', the other replied: 'that one statement was made that he did decide legal points while another was that he did not do so, and the explanation is that only during the lifetime of his Master Rav Huna did he decide no legal points but during the lifetime of Rav Chisda, who was both his colleague and disciple, he did decide legal points, and I too am the Master's colleague as well as disciple'.<sup>1</sup> (63a)

<sup>1</sup> A *talmid chaver*, a student who is equal in knowledge to his master, cannot inspect the knife in the vicinity of his teacher, but he is permitted to inspect the knife if he is not in the vicinity of his teacher. For this reason, Ravina, who was a *talmid chaver* of Rav Ashi, inspected a knife in Bavel, as Rav Ashi resided in a different city, Masa Mechasya.

<sup>2</sup> A Torah scholar can inspect a ritual knife if he will be slaughtering an animal for his own needs, and he is not required

**A Torah scholar can inspect a knife for ritual slaughter of his own animal.**

Rava said: A young scholar may examine his own knife. Ravina once visited Mechuza when his host brought to him a slaughtering knife for examination. 'Go', he said to him, 'take it to Rava'. 'Doesn't the Master', the other asked: 'uphold the ruling laid down by Rava that a young scholar may examine his own knife?' — 'I', he replied, 'am only buying the meat'.<sup>2</sup> (63a)

**A student can protest in front of his teacher against one who commits a transgression.**

(Mnemonic: Zila of Hania changes Ika and Yaakov.) Rabbi Elozar of Hagronia and Rav Acha bar Tachlifa once visited Rav Acha son of Rav Ika's house in the district that was subject to the jurisdiction of Rav Acha bar Yaakov. Rav Acha son of Rav Ika, desiring to prepare for them a third-grown calf, presented to them the slaughtering knife for examination. 'Should no consideration be shown for the old man?' Rav Acha bar Tachlifa asked. 'Thus', Rabbi Elozar of Hagronia replied:

to show the knife to his teacher. This is only said with regard to one who will be slaughtering an animal that is already his, but if the Torah scholar is purchasing meat from a slaughterer, and the slaughterer will be slaughtering the animal with the intention of selling the meat, then this situation is akin to slaughtering for someone else. In such circumstances, the Torah scholar cannot inspect the knife, and he is required to show it to another torah scholar.



‘said Rava: A young scholar may examine his own knife’. Rabbi Elozar of Hagronia thereupon examined the knife and was providentially punished for his disrespect. But didn’t Rava lay down, ‘A young scholar’ may examine his own knife’? — There the case was different since they began to discuss the question of his dignity. And if you prefer I might reply: Rav Acha bar Yaakov was different from other local authorities since he was a man of great distinction.

Rava ruled: When it is a question of preventing one from committing a transgression it is quite proper [for a disciple to give a legal decision] even in his Master’s presence.<sup>3</sup>

Ravina once was sitting in front of Rav Ashi, his teacher, and he saw a person about to tie his donkey to a tree on Shabbos. Ravina raised his voice to prevent the person from sinning and the person ignored Ravina. Ravina then declared that the person should be excommunicated. After this occurred, Ravina queried Rav Ashi if what he had done was disrespectful, and Rav Ashi responded that *there is no sage or wise man or matter of advice which may stand against the will of Hashem*. Whenever there is a possible desecration of God’s Name, we are not concerned about giving respect to a teacher. (63a)

**The sons of Aharon died prematurely because they rendered a Halachic decision in front of Moshe their teacher.**

<sup>3</sup> If a student witnesses someone committing a transgression, and the student’s teacher also witnessed the transgression and remained silent, the student is permitted to condemn the sinner. This is not a violation of the rule that a student cannot render a Halachic decision in front of his teacher. The rationale for this ruling is that *there is no sage or wise man or matter of advice that may stand against the will of Hashem*. Whenever there is a possible disgrace of Hashem’s Name, we are not concerned with showing the proper respect to a teacher.

Rava ruled: In the presence of one’s Master it is forbidden [to give a legal decision] under the penalty of death; in his absence this is forbidden but the penalty of death is not incurred. Is then no penalty of death incurred in his absence? Was it not in fact taught: Rabbi Eliezer stated: Nadav and Avihu, the sons of Aharon, died prematurely only because they rendered a Halachic decision before Moshe their teacher. What Scriptural inference did they make? The Torah states: *the sons of Aharon shall place a fire on the Altar*. The sons of Aharon inferred from this verse that although fire descends miraculously from heaven and was constantly burning on the Altar, there was still a requirement to bring fire from ordinary sources.<sup>4</sup> (63a)

**A student of Rabbi Eliezer rendered a Halachic decision in front of Rabbi Eliezer and Rabbi Eliezer predicted that the student would die prematurely.**

Rabbi Eliezer had a student who rendered a Halachic decision before Rabbi Eliezer. Rabbi Eliezer told Imma Shalom, his wife that he wonders if this student would live out the year, and sure enough, the student died within the year. Rabbi Eliezer’s wife questioned if Rabbi Eliezer was a prophet, and Rabbi Eliezer responded, “I am not a prophet, nor am I the son of a prophet, but I have accepted the tradition that one who renders a Halachic decision before his teacher is liable to death. And Rabbah bar Bar Chanah said in the name of Rabbi Yochanan: This student’s name was Yehudah ben Gurya, and he was three *parsaos* away from Rabbi Eliezer’s location.<sup>5</sup> The Gemara answers: When the student

<sup>4</sup> This decision that they rendered was without Moshe’s knowledge, and resulted in Nadav and Avihu being put death by Hashem.

<sup>5</sup> When he gave the legal decision mentioned; which shows that the penalty of death is incurred even where a decision is given not in the Master’s absence. An objection against Rava’s last cited statement.

rendered the Halachic decision, he did so in the presence of Rabbi Eliezer.<sup>6</sup> – But it was said that he was three parsaos away?<sup>7</sup> The Gemara counters: And according to your reasoning, why mention his name and his father's name? Rather, it is to teach us that this incident was not allegorical, but the incident actually occurred. (63a)

**A snake should bite one who renders a Halachic decision in front of his teacher.**

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: One who renders a Halachic decision before his teacher should be bitten by a snake, as it is said *Elihu ben Barachel the Buzite answered and said: I am young in days etc. therefore I was afraid to offer my opinion.* The Hebrew words *I was afraid*, is *zachalti*, and elsewhere it is said: *with the venom of those that slither through the dirt.*<sup>8</sup> (63a)

**One who renders a Halachic decision in front of his teacher is called a sinner.**

Zeiri said in the name of Rabbi Chanina: One who renders a Halachic decision in front of his teacher is called a sinner, as it is said: *in my heart I have hidden Your word, so that I should not sin to You.*<sup>9</sup> Rav Hamnuna pointed out an incongruity: It is written: *in my heart I have hidden Your word*, and it is also written: *I have proclaimed judgment in a great congregation.*<sup>10</sup> – This is really no contradiction, as this<sup>11</sup> was only when Ira the Yairite, Dovid's teacher, was alive. When Ira was not alive, however, Dovid would render Halachic decisions in his presence. (63a)

<sup>6</sup> His residence was three parsaos away.

<sup>7</sup> If the distance had no connection with the place where the decision was given what was the point in mentioning it at all?

<sup>8</sup> Here the snake is referred to as *zochalei afar*, the same root word used by Elihu. Elihu was thus alluding to the idea that if he had spoken up in the presence of his elders, he would have been deserving of being bitten by a snake.

**One who offers all his donations to a single Kohen brings famine to the world.**

Rabbi Abba bar Zavda said: Whoever gives all his donations to one Kohen, he brings famine to the world. It is said: *Ira the Yairite was Kohen to Dovid.* How is it possible that Ira was only a Kohen to Dovid and not to the rest of the world? This verse must be interpreted to mean that Dovid gave Ira all of his donations, and following that verse it is said: *and there was a famine in the days of Dovid.* (63a)

**One who renders a Halachic decision before his teacher is demoted from his position of greatness.**

Rabbi Eliezer said: One who renders Halachic decision before his teacher is demoted from his position of greatness. For it is said: And Elozar the Kohen said unto the men of war . . .<sup>12</sup> Although he thus said to them, 'He commanded my father's brother [Moshe] and not me' he was nevertheless punished,' as it is written: And he shall stand before Elozar the Kohn and yet we do not find that Yehoshua ever needed his guidance. (63a)

**It is inappropriate for one to sleep in a room that a man and his wife are staying in.**

Rabbi Levi said: He who answers a word in the presence of his teacher goes to his grave childless; for it says in Scripture: And Yehoshua the son of Nun, the attendant of Moshe from his youth up, answered and said: 'My master Moshe, lock them up, and elsewhere it is

<sup>9</sup> This means that Dovid kept his rulings in his heart and he did not render a decision in front of his teacher, so that he should not be called a sinner.

<sup>10</sup> This implies that Dovid did render Halachic decisions publicly.

<sup>11</sup> That he did render Halachic decisions.

<sup>12</sup> Elozar, the son of Aharon, taught the Jewish People the laws of purifying utensils acquired from a gentile.

written: Nun his son, Yehoshua his son.<sup>13</sup> This exposition, however, differs from that of Rabbi Abba bar Pappa, for Rabbi Abba bar Pappa stated: Yehoshua was punished because he caused the Jewish People to abstain from marital relations for one night. For it is said in Scripture: And it came to pass, when Yehoshua was by Yericho, that he lifted up his eyes and looked etc. and this is followed by the text: And he said: ‘No, but I am an officer in the army of God,’ Now, I have come’. ‘Last evening’, he [the angel] said to him [in effect]. ‘You omitted to offer up the daily afternoon sacrifice and now you are neglecting the study of the Torah’. ‘On account of which misdeeds’, the other asked, ‘did you come?’ — ‘Now’, he replied, ‘I have come’. Yehoshua, we read immediately, went that night into the midst of the valley, a text which, Rabbi Yochanan explained, teaches that he entered into the profundities of the halachah. And we have a tradition that so long as the Ark and the Shechinah are not settled in their normal place, marital relations are forbidden.

Rav Shmuel bar Iniya stated in the name of Rav: The study of the Torah is more important than the offering of the daily continual sacrifices, since he said to him, ‘now I have come’. (63a – 63b)

Rav Berona stated in the name of Rav: Concerning the man who sleeps in a room in which husband and wife rest Scripture says: The wives of My people you have cast out from their pleasant houses.

Rav Yosef maintains that this refers even to one whose wife is a niddah.<sup>14</sup> Rava maintains that if his wife is a niddah, a blessing should come on him.<sup>15</sup>

<sup>13</sup> No son of Yehoshua being mentioned.

<sup>14</sup> Although the man and his wife are prohibited to engage in marital relations when the woman is a niddah, presence of a stranger will still disturb the man and his wife.

The Gemara rejects this opinion, because until now, who has guarded them? (63b)

## INSIGHTS TO THE DAF

### *Donating All One's Charity to a Single Cause*

Is it better for a person to donate all the charitable funds at his disposal to one cause? Or perhaps it is better to divide the money among several needy cases? The Poskim draw the answer to this question from a sugya we now learn in Daf HaYomi: R' Abba bar Zavda said, “Anyone who gives all his priestly gifts to one kohen, brings famine to the world.”

As we know, the kohanim are privileged to a variety of tithes on agricultural produce. The Gemara teaches us that it is improper to give all one's tithes to a single kohen. The source for this is found in Tanach, “And Ira the Yairite was kohen to David.” Immediately afterward, the *possuk* states, “And there was a famine in the days of David (Shmuel II 20:26, 21:1). David gave all his tithes to Ira, leaving other kohanim hungry. As an appropriate punishment, *middah keneged middah*, Hashem caused a famine to strike the land (Iyun Yaakov).

Accordingly, the Rosh rules that it is forbidden to give all one's tithes to a single kohen. However, the Rambam omits this halacha. The Rashash explains the Rambam's omission, by noting that this Gemara contradicts the principle of *makirei kehuna* – “recognized kohanim.” According to this principle, if a Jew is accustomed to giving his tithes to a certain kohen, it is forbidden for him to exchange his chosen beneficiary for another (Bava Basra 123b, see Tosefos).

<sup>15</sup> On the person who sleeps there, because he guards them from transgressing the laws of niddah.



R' Yosef Chaim Zonnenfeld (Salmas Chaim, 15) attempted to resolve this contradiction, based on the Or HaChaim (Rishon L'Tzion Y.D. 257 s.k. 9), who writes that it is forbidden to give one kohen more than his basic needs, at the expense of others who are left hungry. However, if the one chosen kohen does not have enough to meet his needs, it is permitted and indeed required to give him all one's tithes.

R' Chaim Kanievski (Derech Emunah, Hilchos Maaser ch. 7, s.k. 38) offers an alternative explanation. It is forbidden to give all twenty-four types of priestly tithes to one kohen. However, it is permitted to designate one kohen as *makirei kehuna* to consistently receive one particular type of tithe.

In any case, the Mordechai (Bava Basra 502) accepts R' Abba's ruling at face value, and therefore rules, "From here we see that it is forbidden to give all the charitable funds at one's disposal to a single poor relative, and forsake his other relatives. It is also forbidden to give all one's charitable funds to a single poor person, and ignore the rest."

#### **DAILY MASHAL**

##### ***The Torah Scholar and the Snake***

The Gemara states that one who renders a Halachic decision before his teacher deserves to be bitten by a snake.

The Iyun Yaakov explains that a snake has poisonous venom and the Gemara<sup>16</sup> states that one who is liable death by burning, a snake will bite him.

Our Gemara states that the sons of Aharon were liable the death penalty because they rendered a Halachic decision before Moshe their teacher, and their punishment was that they were burned alive. This implies that a snake, in lieu of real fire, will bite anyone who rendered a Halachic decision before his teacher.

The Ben Yehoyada explains that a snake is designated by heaven to punish mankind, and one who rendered a Halachic decision before his teacher is liable the death penalty from heaven, so it is appropriate that a snake bites the person. Furthermore, the person sinned with his mouth by rendering a Halachic decision before his teacher, so he is deserving to be punished by snake that bites with its mouth.

The Ben Yehoyada writes further that a Torah scholar is supposed to be vengeful and bearing a grudge like a snake. One who belittles the stature of a Torah scholar is punished by heaven that acts on behalf of the Torah scholar like a snake. Furthermore, the person who rendered the Halachic decision before his teacher entered a domain that was not his, and similarly, a snake enters domains that are not his.

Another explanation offered by the Ben Yehoyada is that the person who rendered the Halachic decision before his teacher sinned with his *kol* (voice) and with his *dibbur* (speech) and the words *kol* and *dibbur* are equal in numerical value to the word *nachash*, snake.

<sup>16</sup> Sanhedrin 37b