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Eiruvin Daf 63

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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul 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. 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. (63a)

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

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

Ravina arrived in Mechuza and when his host brought him the knife for inspection, Ravina instructed his host to show the knife to Rava, who was the Rav of the city. Although the host intended to slaughter the animal for Ravina's needs, the animal did not belong to Ravina, as Ravina would be paying for the meat that he would be consuming. (63a)

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

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.

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*. (63a)

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

Nadav and Avihu, the sons of Aharon, died prematurely because they rendered a Halachic decision before Moshe their teacher. The Torah states: *the sons of Aharon shall place a fire on the alter*. The sons of Aharon inferred from this verse that although fire descends miraculously from heaven and was constantly burning on the alter, there was still a requirement to bring fire from ordinary sources. This decision that they rendered was without Moshe's knowledge, and resulted in Nadav and Avihu being put death by Hashem. (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 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 or a son of a prophet, but I have accepted the tradition that one who renders a Halachic decision before his teacher is liable the death penalty. This student's name was Yehudah ben Gurya, and he resided three *parsah* away from Rabbi Eliezer's location. Yet, when the student rendered the Halachic decision, he did so in the presence of Rabbi Eliezer. The

reason we need to know the name of the student and his location 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.**

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*. 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. (63a)

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

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*. 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. Although Dovid himself said: *I have proclaimed judgment in a large assembly*, and this implies that Dovid did render Halachic decisions publicly, this was only when Ira the Yairite, Dovid's teacher, was no longer alive. When Ira was alive, however, Dovid would not render Halachic decisions in his presence. (63a)

**One who offers all his donations to a single Kohen 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*. The juxtaposition of these two verses teaches us that if one gives all his donations to one Kohen, he brings famine to the world. (63a -63a)

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

One who renders Halachic decision before his teacher is demoted from his position of greatness. We find that Elazar, the son of Aharon, taught the Jewish People the laws of purifying utensils acquired from a gentile. Although Elazar prefaced his teachings by stating that Hashem had instructed Moshe regarding the laws, Elazar was still punished by having his status lowered. Hashem had told Moshe regarding Yehoshua: *and he shall stand in front of Elazar the Kohen* [to inquire of him], we never find that Yehoshua had to ask Elazar anything. This was the punishment that Elazar received for rendering Halachic decisions in front of his teacher. (63a)

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

Yehoshua was punished that he never had children because he acted disrespectfully towards Moshe. An alternative opinion maintains that Yehoshua was punished because he caused the Jewish People to abstain from marital relations for one night. The Jews had besieged the city of Yericho and the Holy Ark was taken into battle. The law is that if the Holy Ark and the Divine Presence are not in their usual positions, then Jews are prohibited from engaging in marital relations. One who sleeps in a room where a man and his wife are staying is guilty of that which it is said: *the wives of My nation you have chased from the house of their enjoyment*.

Rav Yosef maintains that this refers even to one whose wife is a niddah, because 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.

Rav maintains that a blessing should come on a person who sleeps in the same room as a man and his wife who is a niddah, because he guards them from transgressing the laws of niddah.

The Gemara rejects this opinion, because it is unnecessary to guard a couple from violating the laws of niddah. (63a - 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 Eera the Yaari was kohen to David." Immediately afterward, the *posuk* states, "And there was a famine in the days of David (Shmuel II 20:26, 21:1). David gave all his tithes to Eera, 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).

R' Yosef Chaim Sonnenfeld (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 Kaniefski (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>1</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>1</sup> Sanhedrin 37b