

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

Rava offers an alternative explanation of the difference between the first case of the Mishnah and the second.

2) School

Tangentially, the Gemara presents the history of formal Jewish schools.

Rav offers two pieces of educational advice to R' Shmuel bar Sailas.

3) Clarifying the Mishnah (cont.)

Rava's ruling that residents in a courtyard may not protest if someone in the courtyard opens a school is unsuccessfully challenged.

Two more unsuccessful challenges to Rava's ruling are presented.

4) School (cont.)

Three statements of Rava regarding education are recorded.

R' Dimi of Nehardea disagrees about replacing a teacher with another one who could teach faster.

Rava and R' Dimi disagree about whether preference should be given to a teacher who is faster or more precise.

Another statement of Rava is quoted related to firing a teacher or other professionals who are incompetent.

5) Competition

R' Huna rules that a resident of a mavoi who owns a mill can prevent another resident of the mavoi from opening a mill.

A proof to this ruling is suggested but rejected.

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REVIEW and Remember

1. What was the major contribution of R' Yehoshua ben Gamla?
2. Which teacher is preferable; one who teaches quickly or one who is more precise?
3. When is one resident allowed to protest if another resident wants to open a competing business?
4. Under what conditions is an out-of-towner permitted to open a business?

Distinctive INSIGHT

Teaching Torah to one's son

דאמר רב יהודה אמר רב ברם זכור אותו איש לטוב ויהושע בן גמלא שמו שאלמלא הוא נשתכח תורה מישראל

Originally, if a child had a father, the father would teach him Torah, but one who did not have a father would not learn Torah. Which verse did they use as a source for this? "ולמדתם אתם" - "And you shall teach them" - to your children. Since the word "אתם" - "them" - is written without the letter "Vav", the verse can be read "ולמדתם אתם" - "And you yourselves shall teach [Torah] to your children", i.e. the father himself must teach his child. Since many children were not receiving an education, Chazal established a school system. Our Gemara teaches that Yehoshua ben Gamla came and enacted that local authorities should engage teachers of children in every district and town and they should bring in children ages six or seven.

HaRav Elchanan Wasserman notes that it seems that before the time of Rabbi Yehoshua ben Gamla only the actual biological father of a child would be commanded to teach the child Torah. Yet Rashi in his explanation of the verse in Devarim 6:7, cites the Sifrei which interprets the term "sons" as referring to "students". In other words, the verse directly teaches us to instruct not only our sons, but also our students. Why, then, was there a custom whereby people only educated their own children?

Once a student is brought to a teacher and they become immersed in the study of Torah together, the pupil immediately becomes as a son to the Rebbe. Their relationship becomes one which simulates an authentic father/son association. Accordingly, the Rebbe is then obligated to teach his student as if he were his natural son. Before this arrangement is set, however, the Rebbe would not have this responsibility, for the student is not yet a "son" to him. There was also no requirement for a teacher to seek out all eligible children and to educate them. This, however, was part of the innovation which Rabbi Yehoshua ben Gamla instituted, and children from the community at large were then recruited and brought into the organized classes to be taught Torah and trained together with all the other children. ■

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 By Mr. and Mrs. Ira Arthur Clair and family
 In loving memory of their father's 8th Yaharzeit
 ר' שלום שכנא בן ר' ברוך ע"ה

HALACHAH Highlight

Opening a medical clinic in a residential area

אחד מבני חצר שביקש לעשות רופא וכו'

If one of the residents of a courtyard wants to practice medicine etc.

There was once a doctor who entertained the possibility of opening up a medical clinic in his home. When the neighbors heard about his plans they protested since it would be disruptive to the tranquil atmosphere of the neighborhood. Rav Eliezer Yehudah Waldenberg¹, the author of Teshuvos Tzitz Eliezer, cited Rambam² who rules that residents of a closed mavoï could protest against one of the residents opening a clinic since it will increase the number of people going in and out of the alleyway. Shulchan Aruch³ quotes this ruling and adds that even if one resident protests the doctor may not open up his clinic.

He then writes that it is not so simple that the neighbors may protest. Rambam⁴ writes that neighbors may not protest if someone chooses to open up a school in an alleyway and Shulchan Aruch⁵ extends this to any mitzvah pursuit. Since providing medical treatment is a mitzvah neighbors should not have the right to protest someone who wishes to open a clinic and yet Shulchan Aruch ruled that they do have the right to protest. Taz⁶ suggests that residents may not protest activities that require the gathering of people, e.g. a synagogue or a place to distribute tzedaka. They may, however, protest against activities that do not require gathering numerous people together. Therefore, residents may protest a doctor from opening a clinic, since even if he did not open a clinic, he could still make house calls

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Ravina suggests that R' Huna's ruling is limited to the opinion of one Tanna.

The Gemara demonstrates how it is consistent with all opinions.

R' Huna's opinion is challenged and the Gemara is forced to recognize that there is a dispute between Tannaim about this matter.

R' Huna the son of R' Yehoshua notes certain givens regarding competition and then presents an inquiry.

The inquiry is left unresolved.

R' Yosef asserts that R' Huna would agree that a teacher may not prevent another resident of the mavoï from teaching since competition is good for education. ■

and fulfill the mitzvah so there is no compelling reason to impose on the neighbors. Tzitz Eliezer questions this distinction and presents the approach of Pa'amonei Zahav. He suggests that one may not protest those activities that are solely dedicated to a mitzvah, e.g. a mohel, but one may protest those activities that have a mitzvah component but also include non-mitzvah activities. Therefore, one may protest opening a medical clinic since it involves treating Jews and gentiles. According to this approach if the medical clinic will be opened in a Jewish neighborhood where the majority of patients are Jewish the other residents may not protest since it qualifies as a mitzvah activity. ■

1. שו"ת ציץ אליעזר חיי סי' כ"ה פרק ל'.
2. רמב"ם פ"ו מהל' שכנים הי"א.
3. שו"ע חר"מ סי' קנ"ו סעי' א'.
4. רמב"ם שם הי"ב.
5. שו"ע שם.
6. ט"ז שם. ■

STORIES Off the Daf

My disciple, my child

"ולמדתם אותם..."

The self sacrifice of Rav Elchonon Wasserman, hy"d, on behalf of his students was truly astounding. A year before the Second World War broke out, he was in America collecting sorely needed funds for his yeshiva, but the moment he raised enough money to get by, he wished to return home. Many people did their utmost to discourage him from returning. These people even guaranteed to bring over his two unmarried sons to the States to start a new life.

They argued, "Is it not a question of

putting your life in danger? Who knows what further destruction the German madman will cause?"

But Rav Elchonon would have none of this. "Do I only have two sons in the old country? I have four hundred sons: my students! How can I possibly abandon them?"

In 1939 he was given a visa to travel to America and even had special permission to travel to Israel, but he absolutely refused to consider the move. "As long as one student remains here it is forbidden for me to save my own life and leave him to face his fate alone."

But his choices become more understandable when we consider that Rav Elchonon fulfilled everything that he taught. When learning the statement in

Bava Basra 21, that at first children with fathers would learn Torah, while those without a father did not, Rav Elchonon asked, "What need is there for the limud from 'ולמדתם אותם', since the Sifrei explains that the verse, 'ושנתם לבניך' refers to students?"

He answered his own question. "As long as a teacher has not yet taught a student, he is not yet considered his child. This means that we cannot infer any obligation to teach children who do not yet have a teacher. It is only after a young man becomes a teacher's student that the teacher must instruct him just as he is obligated to instruct his own son."¹

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1. במחיצתם של גדולי ישראל, ח"ב, ע' 82-81