

# TALMUD TORAH 5:3

*by Rabbi Yitzchak Etshalom*

**3.** If there were 12 \*mil\* (about 7 miles) between him and his teacher and someone asked him a Halakhic question, he is allowed to respond. [Moreover], to prevent a violation of the law, he is allowed to respond even in front of his teacher. \*Keitzad\*? (How so?) - For instance, if he saw someone performing a prohibited act, either because he wasn't aware of the violation or because of his wickedness, he should restrain him and say: "This matter is forbidden" - even in front of his teacher, even without his teacher's permission, because, anywhere there is \*hillul hashem\* (a desecration of God's Name - i.e., a sin), we do not give deference to the teacher's honor. When does this apply? To an incidental case. However, it is forbidden to establish himself for \*hora'ah\* (Halakhic instruction), sitting and responding to all questioners - even if he is on the other side of the world from his teacher - until either: a) his teacher dies or b) the student receives permission from his teacher. Not every student whose teacher dies is permitted to sit and instruct in matters of Torah; only one who is ready for \*hora'ah\*.

**Q1:** What is the meaning behind the "distance" issue of 12 \*mil\*?

**JB** ([Jay Bailey](#)): According to the Gemara in Eruvin (55b), 12 mil, (=3 Parsahs =24,000 cubits) was the width of the Israelite camp, and we see in Exodus 33:7 that whenever a person had a question, they went straight to Moshe with it.

**Q2:** If his teacher didn't see fit to restrain the violator, why is the student doing so? Isn't that also a violation of the teacher's honor?

**JB:** Picture the two men sitting face to face, and the violator is behind the teacher and is busily placing stumbling blocks before blind people or something. The teacher might not necessarily see what was going on.

**YE** ([Yitz Etshalom](#)): Besides Jay's \*uqimta\* (circumstance/situational explanation), there is a more general issue here: If the teacher saw the violation taking place and didn't intervene, then there are two possible explanations:

a) the teacher did not feel capable of properly preventing the violation (see Torat Kohanim on Vayyiqra [Leviticus] 19:17 - where the ability to reprove (which may be connected to the ability to prevent and restrain a violation) is directly tied to the characteristics of the reprover and the relationship between him/her and the (potential) violator). In that case, it becomes a Mitzva which is

incumbent upon the student (or anyone else), if he/she feels capable of restraining/reproving.

b) the teacher chose not to restrain - which is itself a transgression. In that case, the student has an overriding obligation - almost as if, in this particular case, the teacher has forfeited his position.

If, on the other hand, the teacher did not see the violation, the student must intervene (to stop the violation) and there is no disgrace or usurpation of the teacher's position, as he was not aware (as in Jay's \*uqimta\*).

**Q3:** Why the two examples - "because he wasn't aware of the violation or because of his wickedness"?

**JB:** Because the implication is that the sinner was either committing his crime on purpose or by accident. Now the punishment is different depending on that question, to the point that one who violates Shabbat WITH a warning (as well as other details) can be killed! Perhaps if it is done by accident you might think that you can let it go, but only risk putting down your teacher if the sinner is malicious. I'm not sure exactly where to take this, but I think those are the considerations.

**YE:** I agree with Jay that those are the considerations - so I'll try to take it further. Each type of violation (from ignorance, intentional and malicious) has a perspective which may make it less "worthy" of the student's intervention in our case -and for that reason, R needs to include both.

**Ignorance:** As Jay pointed out, this type of violation, which often carries no punishment (and, when it does, is always less severe than a malicious crime) - may be so "light" that it isn't "worth" possibly disgracing the teacher by restraining. In addition, the classic model for this restraint (in the presence of one's teacher) is Pinhas (Bamidbar [Numbers] 25:6-8) who killed two people in Moshe's presence (see Rashi there) - and that case was certainly intentional and evil violation. One additional point - the tenet upon which this Halakha is based is "Anywhere there is \*hillul hashem\* (a desecration of God's Name) we show no preference for the honor of the teacher" - and we might think that \*hillul hashem\* only occurs when the violation is intentional with malice aforethought.

**Deliberate:** We might think that the only value of restraining someone from a violation is educational - he/she is unaware that action X is a violation, so we stop and thereby inform them. But if someone is intentionally transgressing, we might think that this is someone for whom the informational/educational input is meaningless - so why intervene? In addition, there is room to think that such a person has moved himself out of the pale of our concern and, if he/she violates a law of the Torah, we have no responsibility to intervene. (by the way, it should be obvious that these possible distinction would only apply to a violation in ritual areas - but if someone was about to steal, assault etc. someone else, we all have a [qualified] responsibility to intervene - here, the violator's intent is irrelevant.)

Therefore, R needs to include both types of violation.

**Q4:** Isn't the last clause superfluous? The death of one's teacher doesn't automatically qualify the

student as a teacher.

JB: No - you might take that as a blanket statement. You can just see an unqualified buffoon sitting as a rabbinic advisor, and when challenged, say that R allows one to advise as soon as his teacher dies! True, it does not give him much credit, but it is R's way of being precise.

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