

Daf Digest for this month is dedicated in memory of) אשר אנטשיל ע"ה (Babby Weiss יוסף בן חיים הכהן and רבקה יענטא

By the Weiss brothers –London, Staten Island, Yerushalayim

OVERVIEW of the Daf

1) Minhagim (cont.)

The Gemara recounts the discussion that followed R' Yosef's ruling to disregard a custom adopted by עמי הארץ.

A Beraisa ruled: If a practice is permitted but others are accustomed to be strict and prohibit the practice, one is not permitted to rule that the practice is permitted. R' Chisda explained that the Beraisa deals with Cutheans.

R' Chisda's qualification is unsuccessfully challenged from a Beraisa.

The Beraisa is explained.

Another incident is recorded, involving Rabbah bar bar Chanah, concerning adherence to local custom.

2) Clarifying the Mishnah

A contradiction in the Mishnah is noted regarding a person's obligation to continue to practice his old customs.

Two resolutions are presented. ■

REVIEW and Remember

1. Why did R' Gamliel's son refrain from practicing his regular activities?

2. What made the scholars of Eretz Yisroel superior to the scholars of Bavel?

3. Why did Rabbah bar bar Channah instruct his son not to follow his lenient practice?

4. How does Rava resolve the contradiction in the Mishnah?

*Today's Daf Digest is dedicated in honor of the Daf Digest for all the tremendous work you do
Mr. Jerry Lane, Oak Park, Michigan*

Distinctive INSIGHT

Second-hand observations of lenient customs

ופליגא דידיה אדידיה

The Gemara relates two incidents involving Rabba bar bar Channa. In each case, a certain reliable custom of acting leniently was observed, but Rabba bar bar Channa advised the observer of different instructions how he was to react in each case.

One was regarding eating a type of fat, the kashrus of which was questionable. Rabba bar bar Channa had witnessed Rabbi Yochanan eat from it, so Rabba relied upon his own eye-witnessing of the incident to allow himself to continue to eat this type of fat, both in the presence of Rabbi Yochanan and beyond. However, he told his son that not to follow this example, even after his son saw him eat from it. This second-hand eye-witness account was not enough to allow his son to conduct himself leniently.

The second incident was reported by Rabba bar bar Channa, and involved eating a type of vegetable during Shemitta. R' Shimon b. R' Yose allowed R' Yochanan b. Elazar to conduct himself leniently and to eat this Shemittah product, even though this was based upon a second-hand observation (R' Shimon b. R' Yose himself had seen R' Shimon bar Yochai eat this after growth of cabbage).

The Gemara states that this represents an inconsistency in the policy of Rabba bar bar Channa. In one case, that of the fat, a second-hand observation was not reliable enough to follow, while in the case of the vegetable, a second-hand observation was sufficient to allow the observer to also eat from it.

Sfas Emes wonders why the Gemara considers these cases as inconsistent. The case of the fat was concerning a Torah violation, and it was therefore more difficult to rely on a mere observation of someone who conducted himself leniently. However, the vegetable on Shemittah only involved a rabbinic law. It is not surprising that we find a more lenient standard to rely upon in order to allow an observer to also eat from this commodity.

Ramban also presents a resolution to these cases. Perhaps R' Shimon b. R' Yose was a greater sage, and he possessed the stature and authority for an observer to rely upon his example. Rabba bar bar Channa was not on that level, or he at least did not consider himself to be on a high enough plateau, to have his son depend upon his tradition to allow the son to eat the fat.

דברות משה (Shabbos 10:2) points out that in the case of fat, being lenient would have meant that Rabba bar bar Channa would be permitting his son to eat the fat in Bavel, contrary to the prevailing local custom. This was too extreme of a leniency. However, in the case of the vegetable, there was no local custom contrary to permitting it to be eaten. ■

HALACHAH Highlight

'Minhag HaMakom'

רבה בב"ח אכל דאיתרא עול לגביה רב עורא סבא ורבה בריה דר"ה כיון דחזנהו כסייה מיניהו א"ל שווינכו ככותאי.

Rabbah bar bar Chana ate 'diyasra'. When the elderly R. Avira and Rabba the son of R. Huna visited him he got rid of it...he has equated you with the Cutheans.

The Poskim write¹ that if one comes from a society of people who are lenient in a certain law, and he acts according to this leniency in private, if the people of his new locale discover his actions, he must desist from his former practices. The purpose of this would be to minimize arguments. Nonetheless, ideally, one should not act in accordance with his former custom even in the presence of a talmid chacham (in the new locale).

Based on this², there are those who allow a ben Eretz Yisroel who is visiting the Diaspora for Yom Tov, to ask a Rabbi from chutz la'aretz the laws perti-

nent to him (as a ben Eretz Yisroel). This scenario would be considered as performing his old customs in front of a talmid chacham (which is allowed, בדיעבד). In a similar vein, there are those³ who permit family members to act according to their lenient customs in front of one another, because they all know each other's origins and accompanying leniencies. Surely, such a situation would not spark any contention. However, the Igros Moshe⁴ seems to be of the opinion that one should not be lenient even in such a case. See below for more details. ■

1. כ"כ מ"ב ס"ק כ"ד בשם פוסקים
2. בשו"ת בצל החכמה ח"א סימן ס"א
3. בספר יו"ט שני כהלכתו בנספח הערה ב', בשם הגרשו"א זצ"ל והצה"ח ויו"ט ש"כ ה"ל הובאו בפסק"ת שם
4. האג"מ באו"ח ח"ג סימן ע"ב סד"ה אבל. שכתב שבן א"י הנמצא ביו"ט שני בחו"ל הצריך [מפני שאסור לשנות בפרהסיא], שידליקו נר בלי ברכה ויקיימו את מצוות הסדר, ושבנו הנשוי יציאו ויע"ש, ולא הזכיר כלל צד לחלק ולהקל בכך שליל הסדר רגילים בבני משפחה וכדו' שיודעים שהוא מא"י. וגם תמהתי מדוע להתיר אצל בני משפחה לכתחלה יותר מלפני ת"ח ■

Gemara GEM

Unemployed or haughty?

מימר אמרי כמה בטלני איכא בשוקא

Our Gemara deals with a person who travels from a place where the custom is that no one works on erev Pesach, and he arrives in a place where people do work. The halachah is that he is restricted to abide by the custom of his place of origin, and he must remain idle. However, this will not result in resentment or contention, because people seeing him will not think that he is being different, but that he is simply unemployed.

This is in contrast to a case later (55a) where the custom of a place is not to do work on Tisha B'Av, and this person chooses not to work, thus conducting himself as a talmid chacham, who does not work on Tisha B'Av. That case is subject of a dispute, whether being idle should be disallowed because the person is conducting himself in a haughty manner.

Why, however, should there be anyone who considers the idle person as being haughty? Why do we not simply say that the observer will assume that this person is just unemployed, rather than jumping to the conclusion that he is being haughty?

Rashash answers that in our Gemara we are talking about a person who is not in his home town. People

who see him do not necessarily know him, and they realize he is visiting. They will assume that even if a person normally works, not every finds a job to do, especially in a different town. They will not view his idleness as his willing to be different or as something which will cause strife.

The Gemara which discusses Tisha B'Av deals with a local citizen. Those who see him idle know he is not unemployed, and they will view his adopting the mantle of a talmid chacham as a form of haughtiness. ■

