

פרק רביעי: ג'קום שנהגו Introduction to

Note: this פרק is devoted to the general topic of maintenance of מנהג, where and when local מנהגים should be kept; how far travelers should go to avoid distinguishing themselves from the indigenous population etc. As such, we will only briefly touch on issues directly related to פסח – beginning with the first custom mentioned, that of not working on the 14th in the morning. Working on the 14th in the afternoon is אסור מן הדין, but some places had the custom of avoiding work on the morning as well.

4.4.1

50a(א) (משנה א) → 51b (ספיהי דעלמא)

1	כי גדל עד שמים חסדך ועד שחקים אמתך: תהלים נ, יא
2	כי גדול מעל שמים חסדך ועד שחקים אמתך: תהלים קח, ה
3	סדין עשתה ותמכר וחקור נהנה לכנעני: משלי לא, כד
4	שמע בני מוסר אביך ואל תטש תורת אמן: משלי א, ח
5	וכי תאמרו מה לאכל בשנה השביעית הן לא נזרע ולא נאסף את תבואתנו: ויקרא כה, כ

- I. א' משנה א - dependent on local custom
 - a. Rule: visitors follow both customs (town of departure or town of arrival) stringently
 - b. Reason: the avoid differentiating from local custom – to maintain peace
 - i. Implication: it is אסור to work on ע"פ in the afternoon
 - ii. Challenge: it is considered ill-advised to work on any עיר"ט and ע"ש
 1. Answer1: ע"ש and עיר"ט – only from mid-afternoon; ע"פ from midday
 2. Answer2: ע"ש and עיר"ט – is only "ill-advised"; ע"פ is prohibited (worthy of sanctions – e.g. שמתא)
 - a) Tangential observation: diligence may be bad (working on ע"ש) and sloth praiseworthy (taking off ע"ש)
 - i. Tangent: value of doing the right thing for the wrong reason (שלא לשמה) (vv. 1-2)
 - ii. Tangent: livelihoods that succeed and those that don't (v. 3)
- II. ב' משנה ב (parallel) – traveling from place where שביעית are "cleaned out" etc. (explanation on p. 43)
 - a. Dissent: ר' יהודה says that he can say to the local person (already been "cleaned out") – "go bring some of your own"
- III. Ancestral customs (בני ביטון) – ancestors wouldn't sail on Friday, even for a short trip
 - a. Children: asked if they could travel for business (market day was ע"ש in Sidon)
 - b. Answer: may not travel, due to מנהג אבות (v. 4)
- IV. דברים המותרים ואחרים נהגו בהן איסור: local stringencies
 - a. Case #1: in חזאי they separated חלה from rice
 - i. דב יוסף: they should be corrected
 - ii. אב"י ("permissible things that are treated as prohibited...")
 1. דב יוסף: that ruling only applies to כותים, who won't distinguish and will allow even the אסור
 2. אב"י: the חזאים are similarly ignorant
 - a) דב אשי: if their staple is rice, let them maintain custom, so as not to forget חלה מצוות
 - i. But if: they also eat "real" grains, correct them, so that they don't separate פטור for חיוב

(Cases #2-4: involving family of Patriarchate - בית הנשיא, found in ב:טו-טז)

 - b. Case #2: Law: brothers may bathe together (no concern of הרהור)
 - i. Even though: prohibited with father, step-father, father-in-law and brother-in-law
 - ii. Custom: in כבול – they avoided allowing brothers to bathe together, as an extension from brother-in-law
 - iii. Story: 2 sons of ר"ג came to כבול and bathed together; there was an outcry; they ceased without correcting custom
 1. Addendum: ר' יהודה allowed bathing with father if helping father (כבוד אב)
 - a) similarly: shouldn't bathe with teacher unless teacher needs his help
 - c. Case #3: Law: loose fitting shoes (קורדיסון) may be worn on שבת (no concern of carrying)
 - i. Custom: in town of בירי, they wouldn't wear these shoes on שבת
 - ii. Story: 2 sons of ר"ג came and wore them; due to outcry, they took them off and didn't correct errant custom
 - d. Case #4: Law: permissible to rest on נכרי's bench on שבת (no concern of appearance of doing business)
 - i. Custom: in עכו they would not do so
 - ii. Story: רשב"ג came to עכו and sat there; as a result of the outcry, got up and didn't correct errant custom
 1. Note: in all these cases, these towns had little access to rabbinic authority and should be treated like כותים

- e. *Case #5*: Law: it is permissible to eat דאייתרא (kind of animal fat)
- i. *Custom*: בבליים avoided eating it
 - ii. *Story*: רבב"ח came to בבל and was eating דאייתרא, hid it when חכמי בבל came in
 1. *Reaction* (אב"י): there was no need; we are not כותים (not ignorant)
 2. *Challenge*: our משנה clearly rules that both stringencies (place of residence as well as present location) apply
 3. *Answer* (אב"י): that only applies within בבל or א"י
 - a) *Or*: from בבל to א"י
 - b) *But not*: בבל is subservient to א"י and there's no need to observe בני בבל חומרות in that case
 4. *Answer* (רב אשי): even if all places are alike (א"י → בבל::בבל → א"י), rule of "all stringencies" only applies
 - a) *If*: not returning to original place (רבב"ח was returning to א"י)
 - iii. *Addendum*: רבב"ח instructed his son not to eat דאייתרא, since he (רבב"ח) had seen ר' יוחנן eat it, but son hadn't
 1. *contradiction*: רבב"ח reported that ר' יוחנן בן אלעזר (?) followed גינה תלמיד רשב"י into גינה; student fed him כרוב ספיחי כרוב
 - a) *Since*: the student saw רשב"י eat, he instructed that ריב"א may eat it *in his presence* only
 - b) *Challenge*: why did רבב"ח disallow his son from eating דאייתרא even in his presence? (no resolution)
 - iv. *Tangent*: explanation of ספיחי כרוב (which grew during שמיטה)
 1. *ל"ש*. all ספיחים (wild growth) is מותר as long as it doesn't have a parallel in planted vegetables/grains
 - a) *כרוב*: has no such parallel and is therefore permissible
 - b) *חכמים*: disagree and forbid
 - c) *Note*: both follow ר"ע's interpretation of v. 5
 - i. *Dispute*: whether ספיחי כרוב are forbidden as an extension of איסור ספיחים