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Pesachim Daf 51

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

Permitting what others consider prohibited

The people of Chozai were accustomed to separating challah from rice dough, even though it is exempt. When they told Rav Yosef this, he said that a non-kohen should eat it in front of them, to emphasize that this is not challah. Abaye challenged this from the braisa which says that even if something is permitted, but others have the custom to prohibit it, one may not permit it in front of them. Rav Yosef answered that Rav Chisda limits this braisa to a case of kutim, who are ignorant, and we are therefore concerned that permitting something in front of them they will permit something truly prohibited. Abaye responded that the people of Chozai are also ignorant, and the same concern would apply to them. Instead, Rav Ashi says that if most of their food is from rice, a non-kohen should not eat it in front of them, lest they forget the institution of challah altogether. If most of their food is from the five grains, a non-kohen should eat it, lest they think that rice is truly obligated, and come to separate from rice dough on grain dough, which would not take effect.

The Gemora returns to discuss the braisa’s rule and Rav Chisda’s statement. The Gemora challenges Rav Chisda’s limitation to kutim from a braisa which lists various customs which one must not permit in public:

1. Two brothers may bathe together in one bathhouse, but in Kavul they didn’t permit it. Once Yehuda and Hillel, Rabban Gamliel’s sons, bathed together in Kavul, and they slandered them,

saying that they never saw anybody do that. Hillel slipped out to the outer chamber, since he didn’t want to tell them it was permitted.

2. One may wear a wide kurdekison sandal outside on Shabbos, and we are not concerned that it will slip off and he will pick it up, but in Birai they didn’t wear them. Once Yehuda and Hillel, Rabban Gamliel’s sons, wore them in Birai, and they slandered them, saying that they never saw anybody do that. They slipped them off and gave them to their servants, since they didn’t to tell them it was permitted.
3. One may sit on benches of the non-Jewish marketplace on Shabbos, without any concern that people will think that he is buying or selling, but in Ako they didn’t sit on them. Rabban Shimon ben Gamliel once sat on this bench in Ako, and they all slandered him, saying that they never saw anybody do that. He slipped off it onto the ground, since he didn’t want to tell them that it was permitted.

The Gemora answers that these places didn’t have scholars among them, and therefore their residents are equivalent to kutim.

The Gemora says that we understand that the concern in sitting on the benches is that it may look like he’s buying and selling, and the concern in wearing wide sandals is that they may fall off and he’ll pick it up and carry it, but what is the concern in two brothers bathing together? The Gemora explains by citing a braisa which says that one

may bathe with anyone except for his father, father in-law, step father, and brother in-law, while Rabbi Yehud allows bathing with one's father or step father, as he can honor them by serving them in the bathhouse. In Kavul they prohibited bathing with one's brother, lest one come to bathe with his brother in-law. The Gemora cites a braisa which prohibits one from bathing with his teacher, to ensure he keeps the proper respect for him, unless his teacher needs his student to serve him.

Between which places?

When Rabba bar bar Chana came to Bavel, he ate the fat inside the round part of the stomach. When Rav Avira Sava and Rabba berai deRav Huna entered, he covered the fat he was eating. When they told Abaye, he said that Rabba was treating them like kutim, since he didn't want to permit something which they treated as prohibited. The Gemora asks why Rabba wasn't stringent, as the Mishna says that if one travels between two places, one of which is stringent, he must also be stringent.

Abaye says that one must practice the stringencies of a place he goes to if this place is equivalent or superior in knowledge to where he came from (i.e., between places in Eretz Yisrael or places in Bavel, or from Bavel to Eretz Yisrael), but not if it is inferior, he need not follow their stringencies. Since Eretz Yisrael is superior to Bavel, Rabba wasn't required to practice Bavel's stringency on this fat.

Rav Ashi says that one would have to accept the stringencies of any place he went to, but only if he has permanently moved there. Since Rabba planned to return to Eretz Yisrael, he continued to follow the practice of Eretz Yisrael.

Rabba bar bar Chana told his son that he shouldn't eat this fat, in or out of his presence. Rabba himself who saw his teacher, Rabbi Yochanan, eat this fat, could rely on him,

but his son, who never saw this, may never eat it. The Gemora says that this statement about when one may act on a lenient ruling differs from the implication of a story Rabba bar bar Chana told.

Rabba bar bar Chana cited Rabbi Yochanan ben Elazar saying that he once followed Rabbi Shimon ben Rabbi Yossi ben Lakunia into a garden, where he took cabbage sprouts of Shmita and ate them. He told Rabbi Yochanan ben Elazar that he should only eat these in his presence, but not in his absence. He explained that he, who saw Rabbi Shimon bar Yochai eat them, could rely on this and eat it even out of his presence, but Rabbi Yochanan ben Elazar, who never saw this, can only eat it in his presence.

Cabbage sprouts

The Gemora cites a braisa to explain Rabbi Shimon's position. Rabbi Shimon says that all sprouts of Shmita are prohibited except for cabbage ones, since they are unlike any other sprouts of field vegetation, but the Sages say that all are prohibited.

The Gemora explains that both opinions are following Rabbi Akiva, who explains that the source for prohibiting sprouts is the verse which describes the Jews' concern that, during the Shmita year, "Behold we will not sow, nor will we gather our produce." Since the first clause already says that they will not sow, there would be nothing for them to gather. Therefore, the gathering must refer to gathering sprouts, which still grow, teaching that they are prohibited. The Sages say that we prohibit cabbage sprouts, to prevent one from eating other sprouts, while Rabbi Shimon says we don't prohibit them.

Avoiding arguments

The Mishna says that if one traveled between two places, one of which had the custom to refrain from work on Erev

Pesach, he must practice the stringencies of both, and then concludes that one should not act differently from the people where he is, to avoid arguments.

The Gemora says that if one travels to a place which doesn't do work, we understand that he also should not do work, to be consistent with his current location. However, if he came from a place where they don't do work to a place where they do, if he refrains from work, this violates the conclusion of the Mishna, as he isn't being consistent with his current location.

Abaye says that the conclusion of the Mishna is only referring to the first case. Rava says that it is referring to both, and is explaining that he need not be consistent in the second case, since the only reason to be consistent is to avoid arguments. When one refrains from work, it doesn't lead to arguments, as people will assume that he just has no work to do, as many people sit idle on all days.

Work on the extra Yom Tov day

Rav Safra asked Rabbi Abba whether those who know when the new moon will occur, and therefore when the actual holidays will occur, can do work on the extra day kept by the diaspora. If they are in the settled area, they may not, as that will lead to arguments, but can they do work when they are in the unsettled areas like the desert? He told him that Rav Ami ruled that in the settled area they may not, but in the desert they may.

Rav Nasan bar Asya traveled beyond the techum, from the Bais Hamidrash to Pumbedisa, on the second day of Shavuot, and Rav Yosef excommunicated him.

Abaye asked him why he didn't just give him lashes, and Rav Yosef answered that he was even stricter with him, as excommunication is more severe. He supports this from the fact that in Eretz Yisrael they would vote on punishing

a Torah scholar with lashes, but not on excommunication, as it was too severe. Some say that he gave him lashes, and Abaye asked why he didn't excommunicate him, as Rav and Shmuel says that one should excommunicate someone who violates the extra day of Yom Tov in the diaspora.

Rav Yosef answered that this is for a regular person, but since he was a Torah scholar, he lightened the punishment to only lashes, which is less severe, as illustrated from the voting in Eretz Yisrael.

INSIGHTS TO THE DAF

Permitting something where people consider it prohibited

The Gemora says that one may not permit something in front of those that consider it forbidden.

Tosfos (51a ee) challenges this from the Gemora in Chullin which relates that Rebbi permitted the people of Bais Shean to eat their produce without taking teruma and ma'aser, even though they had previously required taking teruma and ma'aser.

Rabbenu Nissim says that when the Gemora says that one should not permit something that others consider forbidden, this is a case where the people know that it is technically permitted, but have accepted a custom to forbid it. Therefore, out of deference to the custom, one should not permit it in their presence. However, the people of Bais Shean were simply mistaken, and therefore Rebbi taught them that it was permitted.

The Gemora cites Rav Chisda who says that the restriction on permitting something is only when those who forbade it are kutim or people without scholars, as we are

concerned this will lead them to be lax about truly forbidden actions.

Tosfos challenges this from the Mishna which says that if one travels to a place where they do not do work on Erev Pesach, he must refrain, as this applies to all cities and people.

Tosfos offers the following answers:

1. The Mishna refers to significant customs that were established by Torah scholars, while Rav Chisda is referring to popular customs which were not originated by Torah scholars. (Ri)
2. The Mishna refers to specific scenarios where the traveler is subservient to the city he's entered, because he isn't planning on returning (Rav Ashi), or because he's in a place with superior scholarship (Abaye). Rav Chisda is referring to situations where the guest isn't subservient to the place they're visiting.

Cabbage sprouts of Shmita

The Gemora discusses a dispute about cabbage sprouts of Shmita, and says that it hinges on the fact that cabbage grows differently than other vegetation. R

ashi explains that this refers to *biyur* – removing vegetation which isn't in the field anymore. All agree that sprouts of other vegetation which grows in Shmitta must be removed when there is none left in the field, and they dispute cabbage, since there is always a root left in the field. Tosfos (51b kol) cites the following challenges on Rashi's explanation:

1. The Gemora cites the verse which refers to not sowing and not gathering, but it should have cited the verse about removing the produce after it's finished in the field. (Ri)

2. There are other species, aside from cabbage, which retain their root, so why does the Gemora single out cabbage? (Ri)
3. Why did the Sages prohibit the other species but not necessarily cabbage? (Ri)
4. The Gemora tells a story in which Rabbi Shimon's student says that he followed Rabbi Shimon into a garden, from where he uprooted a cabbage and ate it. If the issue is biyur, this isn't applicable while there are cabbages in the field. (Riva)
5. The Gemora in Menachos cites the Rabbi Akiva's opinion about sprouts in the context of the omer offering permitting grain during Shmita. That time of year is well before the biyur period. (Rabbenu Tam)
6. Why does the Gemora cite Rabbi Akiva, as the Sages also agree to the principle of biyur, applied to any vegetation? (Rabbenu Tam)

Tosfos therefore cites Rabbenu Tam who says that the dispute of Rabbi Akiva and the Sages is about eating sprouts before the biyur period. Rabbi Akiva learns from the verse which refers to both sowing and gathering that sprouts are prohibited even before biyur, while the Sages say that sprouts are only Rabbinically prohibited. The dispute of Rabbi Shimon and the Sages about whether cabbage sprouts are also prohibited is only according to Rabbi Akiva, who says that the prohibition in principle is from the Torah.