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בת ר' גדליה פיוויש ע"ה
כהן
נפטרה ביום ראשון דחה"ש ה'תשמ"ו
ת.נ.צ.ב.ה.



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ומשפחתו שיחיו
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נדפס על ידי התלמידים השלוחים

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DVAR MALCHUS

Responding to the Angels

The Gemara says that when Moshe ascended Above to receive the Torah, the angels demanded to know why he was there. When G-d told them that Moshe had come to [acquire the Torah for the Jewish people], the angels protested: "This beautiful concealed thing [Torah], You desire to give to one who is of flesh and blood?! 'Give Your glory upon the heavens!'"

G-d commanded Moshe to respond to the angels' protest. Thereupon Moshe rejoined: "The Torah states: 'I am the L-rd your G-d who took you out of Egypt.' Did you [angels] descend to Egypt? ... It goes on to say, 'Do not have any other gods.' Are you dwelling among nations that serve idols?"

Moshe then went on to include the rest of the Ten Commandments: "Do you labor ... Do you engage in commerce ... Do you have parents ... Does jealousy exist among you ... Do you have an evil inclination?"

The Gemara concludes that upon hearing Moshe's explanation, the angels acknowledged that it was indeed proper for G-d to give the Torah to man.

The Rabbis explain that the legal basis of the angels' claim that "G-d's glory be given upon the heavens," rested on the law of bar metzra, a neighbor's right of preemption. According to Jewish law, when one sells a field, the owner of the neighboring field has first rights of acquisition. This is because it is beneficial to have one's fields next to each other, and the Torah states: "You shall do that which is proper and good in G-d's eyes."

This, too, was part of the angels' complaint. Since until the time of Matan Torah the Torah was found and concealed in the heavens, the angels felt they had the preemptive rights of the bar metzra since the heavens were their abode.

Since the law of bar metzra was the legal basis for their protest, we must understand how Moshe's response neutralized their complaint.

The ultimate purpose of Torah is that through it, G-d's objective in creation - "G-d earnestly desired to have a dwelling in the nethermost level" - may be fulfilled:

Just as a person finds himself in his entirety within his dwelling, so did G-d desire that His entire essence be found in the "nethermost level," this physical world. This is accomplished through Torah, for with regard to Torah, G-d says: "You are actually clutching Me" - His entire essence is found within Torah.

Accordingly, the angels' claim of bar metzra is entirely negated. For the law goes on to state that if the bar metzra desires the land for farming while the alternate purchaser desires the property in order to build a house, then the field goes to the purchaser, inasmuch as a "dwelling is more deserving [of the land usage], and the law of bar metzra does not apply."

Here, too, since the purpose of Torah is to make a domicile and dwelling for G-d's Essence - something that can only be accomplished in

this world and not in the angels' worlds on high - the law of bar metzra does not apply.

This is why Moshe replied: "Do you labor ... Do you engage in commerce? etc." Moshe, in effect, was saying that Torah is the province of the Jew, as the Jew is associated with transforming this physical world into a dwelling for G-d.

The fact that Torah was not given to the celestial beings in no way implies that they are not in need of the Divine Essence being drawn down thereby. For even within the higher realms, without the revelation of G-dliness brought about through Torah, only a glimmer of holiness radiates there. It is only through the spiritual service of the Jewish people in this world that G-d's Essence is drawn down within all worlds, higher as well as lower.

This is similar to the use of a jack or lever to lift a building. If the implement is placed on an upper level of the building, only that part of the structure will be raised. Only when the jack or lever is placed under the building - in the "nethermost level" - will the entire building be elevated.

This is why the Torah was given specifically in this world, the "lowest level, of which there is none lower." By doing so, the entire "edifice" of creation is uplifted and elevated.

Moshe also stressed this when he responded: "Does jealousy exist among you ... Do you have an evil inclination?" He was informing the angels that G-d desired to give the Torah to a world so low that jealousy and the evil inclination exist within it. By giving Torah here, in this world, G-d intended that His essence would permeate all levels, from the lowest to the highest.

Based on Likkutei Sichos, Vol. XVIII, pp. 28-33.



GEMARA

Rav Safra's story

Hatomim Shmuel Phillips
Talmid in Yeshivah

The Gemara (Psachim 51B) relates that Rav Safra asked Rebbi Aba whether he may do *Melacha* in the desert, being that in regard to a city which conducts itself to withhold from doing *Melacha* on the Second day of Yom-Tov there is no doubt that we may not do *Melacha* in that city (although we know of the “קביעא דירחא”).

Tosfos explains that the term of “קביעא דירחא” does not mean that we know the cycle of the moon and therefore are acquainted with the exact date of the new month. The proof for impossibility of this interpretation is because the people of Bavel would enter the same category as Rav Safra and they nevertheless kept two days of Yom Tov. Rather, Rav Safra in contrast to the people of Bavel came from a town where the *Shluhei Beis Din* arrived before the holiday notifying the city of the exact date.

The obvious question arises, if Rav Safra was able to make it to those cities where they did not know which date was Rosh Chodesh, why couldn't the Shluchim reach there as well?

Rashi explains (under the heading of **בישוב לא עבידנא**) that since they **conduct** themselves in a strict manner regarding *Melacha* done on the second day of Yom-Tov, I will not change this **behaviour** in front of them.

Seemingly, this demands explanation being that the concept of *Issur Melacha* on the second day of Yom-Tov is a *Din Midrabanan* and not only a *Minhag*-conduct? Rather, we may say that the idea is where the Calendar has already been established and the judgment of Months is not based on **ראי**. Only then is it possible to say that the *Issur Melacha* is a *Minhag* in correspondent to the fact that there parents conducted themselves this way (**ואל (תטוש תורת אמך**).

Based on the above we may answer the first question above, being that the circumstance at hand is referring to the period where we work based on the calendar. If so, we may as well say that Rav Safra might have left his city days before Yom-Tov and he nevertheless would like to keep to the leniency conducted in his city being that originally the Shluchim would arrive in his city before the calendar was instituted. On the other hand, the second city where Rav Safra travelled to was amongst those which originally did not get the Shluchim there and therefore would always have two days of Yom-Tov.



Understanding Rashi's explanation of Abaye's opinion "לעולם כדקתני"

Chaim Getzel Shaul Pinczower
Talmid in Yeshivah

The first משנה in פרק ד' of פסחים states that "Someone who takes fruits from a place where the fruits in the field have been completely consumed by the animals (and there is therefore a חיוב of ביעור) to a place where the fruits haven't yet been fully consumed by the animals (and therefore there is no חיוב of ביעור)", the תנא קמא says that he doesn't have to be מבער his fruits and ר' יהודה says "צא והבא לך אף אתה" (Simply meaning there will not be any disagreement with the town he has gone to and therefore does not have to be מבער.)

ר' יהודה is quoted in the גמרא (נ"ב) as saying that רבי אליעזר is the stricter opinion in our משנה, the גמרא therefore tries to "paint" a case in which the words of ר' יהודה (צא והבא לך אף) would lead to him being stricter than ר' תנא קמא.

First, the גמרא does so by saying (based on the explanation of ר' שישא) that there is a missing case in the משנה; if a person travels from one city in which there still exists fruit in the field (for the animals) to another city in which there still exists fruit in the field, he was then notified that the fruit of his (original) city have been consumed. In this case the תנא קמא will hold "אינו חייב" and he may eat from the fruit which he brought. While ר' יהודה holds that the people of his (original) city can tell him "צא" "צא והבא לך אף אתה", "come and you will not find fruit in the place which you have come from", and therefore "חייב לבער".

אביי however, argues with this explanation and holds that "לעולם כדקתני", we should keep with the cases in our משנה, and explain the מחלוקת between the תנא קמא and ר"י as follows: If a person travelled from a city in which the fruit (of the field) were not consumed, to a city in which the fruits were consumed, but he then returned to his original city. The תנא קמא holds that the people of his city can tell him: "צא והבא לך אף אתה", "go and bring fruit from the city which you are coming from", and חייב לבער.

ר' שישא explains that אביי is saying that not like ר' שישא who says the משנה is talking about a case: "where you went from a city where the fruits have not been consumed to a city exactly the same as itself i.e. its fruits have not been consumed". Rather, as we thought originally that he went from one city where the fruits haven't been consumed to a place where the fruits **have** been consumed, but now the משנה adds the words "והחזירו למקומן", he returned to his original town.

תוס' learns however, that אביי is saying that we do not have to add any words at all to the משנה and the case which we are discussing, in which the person then returned to his original place can be figured out from the existing words of the תנא קמא, which imply that only if he is found in a city which its fruits have been consumed, will he be forbidden to eat the fruit. However if he were to return to his city, where the fruits have **not** been consumed, he would obviously be allowed to eat the fruits. (This method of learning is commonly found in ש"ס).

Seemingly, the way תוס' explains the words "לעולם כדקתני" is much simpler and literal, whereas רש"י seems to be taking the words out of their literal meaning. Why does רש"י feel the need

to do this? We must say that if not for the **משנה** adding the words "והחזירו למקומן" and the **ת"ק** saying **מותר** in that case, we would never come to that conclusion ourselves.

We can understand this by first understanding a basic question on the **סוגיא**. Why does the **משנה** talk about the status of the fruits and not of the person himself (as in the beginning of the **משנה**, where it discusses, whether a **person** is permitted to do work on **ערב פסח** or not).

The **מהר"ם חלאווה** answers, that the **משנה** has to be talking about the fruits and not the person himself because by the person himself we could not apply the rule of taking the **חומרות** of the place you have gone to.

This is understood better according to the **פני יהושע** who discusses the **דין** of **ביעור פירות** and says that there is a **מחלוקת** between **רש"י** and **תוס'** whether it is **מדאורייתא** or **מדרבנן**. The **רש"י** says that **רש"י** holds it is **מדאורייתא** while **תוס'** holds it is **מדרבנן**.

Now, it is well known (brought by the **ראגאטשאווער גאון** in **קונטרס מאה סברות**) that by **איסורי דאורייתא**, the **איסור** is **חל** both on the **גברא** and the **חפצא**, whereas by **איסורי דרבנן** the **איסור** is **חל** only on the **גברא**. For example, in regards to the laws of **נדר** it says that a **נדר** is only **חל** on a **דבר המותר**. Therefore, if he makes a **נדר** on **פירות שביעית** (following the opinion that it is a **איסור דאורייתא**) then the **נדר** will not be **חל**. However if it is only a **איסור דרבנן** the **נדר** will be **חל**.

Based on all this, we can say that since **רש"י** holds the **איסור** of **ביעור** is **מדאורייתא**, automatically the **איסור** is **חל** on the **חפצא** i.e. the fruits and therefore when the fruits pass through a city (even "on the back of a donkey") where the fruits there have

been consumed in the field, the fruits themselves will become אסור. Therefore, to tell me that when they return to their original city (where the fruits have not been consumed) they will become מותר again (according to ת"ק) is a big חידוש and won't be figured out unless the משנה writes it explicitly and puts in the words "והחזירו למקומן".



When to follow, When not to follow

Moshe Dovid Staples
Talmid in Yeshivah

The Chidushei Basra discusses, deriving from perek four of Gemara P'sachim¹, the issue of travelling to *Eretz Yisroel* when the second day of *yom tov shel goliyos* falls on Shabbos.

For one to form his own minyan and read the parsha for yom tov is simple. A minyan of people from *chutz l'aretz* may gather together in private to read the parsha for Yom Tov and there are no problems. The main question is whether or not such a person would be required to **also** read the weekly parsha along with the rest of the residents of *Eretz Yisroel* on account of differing from the custom of the area (who are all reading the parsha of the week) and causing resentment (because he is not). We learn from our Gemara that in any case where differing from

¹ :א

the customs of the area will cause any strife, one must act in accordance with the locale, **even if it means being lenient.**

One could say that one is not obligated to hear the parsha with everyone else because they could easily assume he read elsewhere or will read later. However, the Chiddushei Basra points out that our Gemara implies this is insufficient justification. Rovoh states that the issue of *machlokes* applies to a person going from a strict place to a more lenient one. The only thing is that here in our Mishna (going from a place that does not perform *melachah* Erev Pesach before midday to a place that does) there is no issue of *machlokes*² because people will assume he is one of many that are unemployed.

The Gemara does **not** give the reason that perhaps he will work elsewhere or will go to the market later. The Chidushei Basra points out that **first** the fact is established that he is definitely **not** conducting himself as others. Only then, if his non-involvement can be justified, is he granted permission not to follow the active customs of the area.

The fact that he is not reading with everyone else cannot be justified. Therefore, according to the Chidushei Basra, he must hear the parsha of the week with the residents of *Eretz Yisroel*.

In a letter³, the Rebbe discusses a situation where one who does not put on T'fillin on *chol hamoed* finds himself in a shul that does. There the Rebbe explains there is no issue because people

2 He is following a different minhag than everyone else

3 כ"ה כסלו תשי"ב

will assume he either put on earlier or will put on later.⁴ Here we have a case identical to our Gemara; everyone is accustomed to do something and one is not acting in accordance. One can then assume there is the same issue of *machlokes* that needs to be circumvented. Yet the Rebbe and his sources use the same logic that the Chidushei Basra proves will **not** suffice according to our Gemara; they need to be able to justify his not putting on T'fillin **at all**, not just now.

You could say the Rebbe views our Gemara in a different manner. The reason why the Gemara doesn't use the rationale that 'perhaps he will go to a different marketplace or perhaps he will go later' is simply because these explanations don't apply to the example at hand. Here we have a person who does not do business on Erev Pesach in a city that does. Most cities then had one market place. Someone who comes along on the morning and sees him not working will not assume that he will travel all the way to a different city instead. That is not sensible. This citizen then goes to the market, he is there all day, and returns seeing the same man still at home. Being himself in the city's market the whole time, he **knows** this person wasn't there. The only thing left to say is he must be one of many who do not have work.

Whereas the Chidushei Basra learns from our Gemara that it must be within these specific guidelines, the Rebbe and his

⁴ The Rebbe and the sources he brings (Eishel Avraham, Meiasaf L'chol Hamchanos, Shaarim Mitzuyanim B'halachah) say there is no issue of *lo sissg'du* (don't make two congregations) and do not mention *machlokes*. Nevertheless, it would be highly misleading to permit something if the issue of *machlokes* remains.

sources learn this to mean any room for doubt or justification is grounds enough to not actively follow the routine of the area.

One might be able to glean from this that a person would then not be obligated to hear the parsha of the week in the above scenario. Unlike the single city market in our Gemara, *Eretz Yisroel* is abundant in shuls. People would of course assume this person probably went to another place to hear the parsha. After all, the majority of people are not going to any single shul. Nevertheless, there could be other elements in this matter.



The Rashbi's issue; a sufek that isn't a sufek

Hatomim Moshe Dovid Staples
Talmid in Yeshivah

Tosfos¹ addresses an intriguing incident cited in the Gemara Yerushalmi in relation to what is stated in Bavli - Pesachim :נא;

The Rashbi holds that *sfichei kruv*² is permitted during *Shmitah*. However, the Gemara Yerushalmi relates an incident in which the Rashbi saw a common layman consuming *sfichei kruv* during *Shmitah*. The Rashbi asked him why he was doing so, to

1 ד"ה אני ראיתי (ניא ע"ב)

2 *Sfichei* is any vegetation that sprouts on its own during the year of *Shmitah*. It is forbidden as explained in our Gemara. *Sfichei kruv* is cabbage that sprouts on its own. There is a debate whether it is also forbidden or not because it is different than other types of vegetables.

which the man replied, “Is this not he who says this is permitted?” “Are there not those who argue with me?” the Rashbi replied and then cursed him with, “Whoever breaks through the fence [of Torah] a snake will bite him.”

Why, if the Rashbi himself held it was permitted, did he become so angry at this man? Tosfos answers that the Rashbi did not want simple laymen to rely on him so long as the final halacha had not been decided.

It is clear from Tosfos’s words that the halacha **had not been decided**. If that is the case, then still, what did this man do wrong? Why can’t he rely on the Rashbi’s opinion? Shouldn’t it be considered permissible until decided otherwise?

Possibly one could answer that when an item turns into the subject of halachic debate the status of the object automatically becomes a *sofek*. Perhaps it is permitted. Perhaps it is forbidden.

This explanation still doesn’t seem to suffice. It’s only a *sofek*, and a *sofek drabonon* at that. Wouldn’t one be able to be lenient regarding *sfichei kruv* so long as it’s a *sofek drabonon*? Or at the very least not be cursed as if he **definitely** did the wrong thing?

The Taz in Yoreh Deiah³ speaks of three different types of *sfeikos*: *daas shotim*; based on one’s lack of ability and expertise, *chisaron bekius hador*; where the whole world lacks the knowledge and expertise and therefore no way can be found to solve the *sofek*, and *chisaron yediah*; in which, although the whole world

3 Siman 98 Seif 3

lacks the expertise, but the *sofek* only stems from a lack of precise information and may be solved using the largest assumed measurement⁴

Das shotim is not considered a real *sofek*. This is because the doubt is only on account of the individual; their inability to determine the matter on their own. However, if an expert were to be brought, the problem can be solved. Such a *sofek* grants insufficient grounds to act.

A similar example to our case could be *sofek p'sik reisha*⁵. On Shabbos for example one may not drag a heavy chair over soft soil. This is because dragging the chair will cause the soil to be dug up with it; the *melachah* of *choraish*⁶. However, if it is late at night and too dark to determine if the soil is firm or soft it becomes a *sofek*. Nevertheless, this kind of *sofek* is based only on a lack of information on the current condition of the soil. One may not act on such a *sofek*. On the other hand, if sufficient data were available to determine that soil being dug up is highly unlikely, one may act⁷.

In our case the item is either permitted or forbidden. The issue can and **will** be resolved. Therefore one could say that one may not act and decide for himself that the *sfichei krov* is permitted. Why, then, would the Rashbi be able to even if he

4 e.g. it cannot be measured how much an issur foodstuff actually contaminates kosher cookery. The largest capacity is then assumed; sixty times its volume.

5 P'sik reisha: where the intended action will cause something else to inevitably occur

6 Ploughing

7 Rambam: Shabbos 1:5

does indeed hold it is allowed? One could learn as the Birchas Avraham does earlier in our Gemara regarding why Rabah Bar Bar Chanah was able to eat *d'eiyasrah*⁸ in a city where the custom was not to. The Birchas Avraham explains that when one has an in-depth knowledge on the matter, that he **knows** the item is permitted, then he may disregard the custom of the place he is in (in private). To him the custom of the area one made in error; in which one is not required to follow. Rabah Bar Bar Chanah saw his teacher, R' Yochanan, eating *d'eiyasrah*, therefore the matter was absolutely clear to him that it was permitted.

The same could apply to the Rashbi here. The Rashbi had an intrinsic understanding of the matter of *sfichei kruv* (being involved in the debate as it was). For **him**, the expert, it was no case of *sofek daas shotim* and could eat it until the final *psak* was given. Conversely the common layman, not having an in-depth perspective, would have to regard it as forbidden until proven otherwise. Should the halacha regard it as forbidden however, even the Rashbi would have to follow suite. This is because the Beis Din is granted the power to dictate the fundamental properties of items in regard to their impurity or permissibility.

8 D'eiyasrah: fats that line a certain part of the stomach. According to the Torah it is permitted to eat. Some made it a custom to regard it as forbidden on account of its similarity and proximity to forbidden fats. Bavel for example had this custom. Rabah Bar Bar Chana was from Eretz Yisroel where the custom was to eat it. He told his son that he could not however ("You did not see R' Yochanan..."), even though RBBC did so himself. The Dvar Shmuel asks; if they lived in an area where they ate it, then for what reason would his son be told he couldn't? and if the custom of the city was to regard it as forbidden, then how could RBBC do so himself?

Once the *sfichei kruv* are made forbidden, it **becomes** intrinsically forbidden.



The Chidushei Basra's Pshat

Hatomim Moshe Dovid Staples
Talmid in Yeshivah

The Gemara (נב) discusses the part of our Mishna that talks about a person taking fruit from a place that was *shlo kalu*¹ to a place that was *kalu*. In the very first supposition of our Gemara, the Tanah Kamah holds the fruit must be destroyed and R' Yehudah says no; he can tell the populace that they too can go to where his hometown (and see it is not *kalu*) and collect produce for themselves. The Gemara raises an issue on R' Yehudah's opinion; but doesn't one have to follow the *chumra* of the place he's going to? He should have to destroy the produce on account of that!

Rashi explains the crux of their argument according to this initial stipulation of the Gemara; the Tanah Kamah holds there is a problem of *machlokes* since he is the only one not destroying produce in the area. R' Yehudah believes there is no such issue since he can tell the populace to go to his place of origin and find the same produce. Rashi explains the Gemara is essentially asking R' Yehudah why he holds this is dependant on *machlokes* when it should not be. Just like the requirement to keep the *chumra* of one's hometown is not because of *machlokes*.

¹ *Kalu*: no longer available to animals in the field. For example; during Shmitah, if there are no more cucumbers found in the field, all cucumbers that are stored must then be removed and destroyed.

What is the Gemara asking? It's easily understood why he would need to keep the *chumra* of where he came **from**; he already accepted it upon himself, but here, if there is no *machlokes*, for what reason does he need to follow the *chumra* of the town he's going **to**? Even if you say this is a case where he came to reside permanently (and there is no indication of such) the fruit should still go according to where it was grown; in a place that was *shlo kalu*. Furthermore, he also has the *chumra* of the place he is from; foodstuffs of the Shmitah year **may not** be destroyed before the place is *kalu*. Not only does he have no reason to destroy the goods if there is no *machlokes*, he shouldn't even be **allowed** to!

This may be understood according to the Chidushei Basra's question and answer for Tosfos on the same *amud*². The Mishna says that a person coming from a place that is *kalu* to a place that **is not** *kalu*, he is obligated to destroy the fruit in accordance with the *chumra* of his hometown. Tosfos asks; isn't there an issue of *machlokes*; him going around destroying produce when everyone else is not? Tosfos answers that here *machlokes* is not applicable only to the person and not his produce. The Chidushei Basra explains that the intention of Tosfos is to say there is no question in the **nature** of the fruit because it relies on where it was grown. The townspeople themselves would have to destroy the same yield and they know this.

Following the above logic our above question falls on the Tanah Kamah as well; why should this person need to burn his

² ד"ה ממקום

fruit if he comes to a place that is *kalu*? According to Rashi's explanation how could there be an issue of *machlokes* if *machlokes* doesn't apply to the nature of this fruit (it being from a place of *shlo kalu*)?

The Chidushei Basra explains; when a person travels to a city he must keep the minhagim of that place even if he doesn't intend to stay indefinitely. This is because as long as he is within the area he is considered secondary and nullified to the populace, i.e. becomes like one of them for the time being. If so then **also** his utensils **and** his fruit become secondary and nullified to the city too. Essentially, they become as if they were grown there.

Now we can understand the Gemara's question on R' Yehudah. According to the Gemara here the Tanah Kamah holds there is an issue of *machlokes* (as Rashi learns) and the fruit do not necessarily follow the place they were grown. Instead they become nullified to the current area³. Conversely R' Yehudah holds there is no problem of *machlokes* and the fruit go after where they are grown.

Why, even according to the Tanah Kamah, then would one have to destroy his fruit when going from *kalu* to *shlo kalu*? Simply answered, because at the time the fruit was brought from the place of origin, it **already** had the *din biur*. How then is this

³ This is an assumption based on the fact that avoiding *machlokes* is *min-ha-Torah*. Otherwise, if the Tanah Kamah did hold that the fruit do go according to where they're grown in all instances, there would be two opposing *m'deoraisahs* (the prohibition of destroying fruit of Shmitah and *machlokes*) in which case a person is to do nothing.

different from going from a place of *shlo kalu* to *kalu*? One could by the same token claim the fruit **already** has the din of *peiros sheveis* which cannot be destroyed!

One could suggest that the latter case involves an **active** mitzvah (destroying) falling on the object and removing an otherwise **passive** *issur* from before. It could be proposed that *visa versa* would not occur; an active mitzvah would not be eliminated by a passive *issur*.

Learning like this in turn also answers the Sfas Emes's question earlier in the Gemara⁴ where Ravah says the Mishna's clause of not causing *machlokes* only applied as a proviso in the requirement to keep the *chumrah* of your hometown. Why then, asks the Sfas Emes, would you need to keep the *chumrah* of the new area if not for *machlokes*? We can understand through the above.

If you learn that keeping the *chumrah* of the place one is visiting is a rule in-and-of-its-self then why again was Rabah Bar Bar Chanah allowed to eat *d'eiyasrah* when he travelled to Bavel (and they had the custom to not eat it)⁵? You **could** answer in several ways.

1. According to Abaya the above rule doesn't apply when going from Eretz Yisroel to Bavel because 'we are submitted to them'.

⁴: נג

⁵: נג

2. According to Rav Ashi⁶, it could be that, even in a case of no *machlokehs*, the notion of being nullified to the city is tied in with *zilzul makom*⁷. Thus Rav Ashi could hold the above applies only in public (if he plans to return).
3. According to Rav Ashi, it could be this way of learning applies only as a basis for when he plans to stay permanently. He could then learn the above Gemara to be talking about such a case.
4. You could learn like the Birchas Avraham; to Rabah Bar Bar Chanah it was absolutely clear that *d'eiyasrah* was permitted⁸. The minhag of the area would then be, from his perspective, a minhag simply made in error. In such a case one does not have to follow it.
5. According to the Meiri, following the customs of the place one is visiting doesn't apply to differences in **halachah**. Thus one could say the people of Bavel regarded *d'eisrah* as forbidden **al-pi-din** and Rabah Bar Bar Chanah simply did not hold that way. On the other hand in the case where the fruits are brought to a place that is *kalu*, if the fruits become nullified to the city, they assume the **same** halachic status of fruit actually grown there.

⁶ Who learns everything is dependant on whether he plans to stay permanently or not.

⁷ Rashi .נב

⁸ Because he saw his own teacher eat it.