HALAKHA

Brothers who divided property received as an inheritance – הָאַחִין שֶׁחָלְקוּ: Brothers who divide inherited property are considered purchasers, and must return their portions to each other in the Jubilee year, at which point they may redistribute the property, in accordance with Rabbi Yoḥanan (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 11:20).

אֲפוּךְ, רַבִּי הוֹשַׁעְיָא אָמַר: אֵין בְּרֵירָה, וְרַבִּי יוֹחָנָן אָמַר: יֵשׁ בְּרֵירָה.

Reverse the presentation of their opinions given above, and say: **Rabbi Hoshaya said: There is no** retroactive **designation, and Rabbi Yoḥanan said: There is** retroactive **designation.**

וּמִי אִית לֵיהּ לְרַבִּי יוֹחָנָן בְּרֵירָה? וְהָאָמַר רַב אַסִּי אָמַר רַבִּי יוֹחָנָן: הָאַחִין שֶׁחָלְקוּ – לָקוֹחוֹת הֵן, וּמַחֲזִירִין זֶה לָזֶה בַּיּוֹבֵל.

The Gemara questions this resolution: **And does Rabbi Yoḥanan** really **accept** the principle of retroactive **designation? But didn't Rav Asi say** that **Rabbi Yoḥanan said: Brothers who divided** property received as an inheritance[H] **are** considered **purchasers** from each other, **and** as purchasers of land **they must return** the portions **to each other in the Jubilee** year, at which point they may redistribute the property? This demonstrates that Rabbi Yoḥanan does not hold that it is retroactively established that each brother's portion was designated for him directly upon their father's death, but rather it is considered that all the land was joint property until the brothers traded or bought their respective portions from each other.

וְכִי תֵּימָא כִּי לֵית לֵיהּ לְרַבִּי יוֹחָנָן בְּרֵירָה – בְּדְאוֹרַיְיתָא, אֲבָל בְּדְרַבָּנַן – אִית לֵיהּ.

And if you should say: When does Rabbi Yoḥanan not accept the principle of retroactive **designation?** Only **in** regard to matters that are **Torah law,** but **he does hold** of retroactive designation **in** regard to matters of **rabbinic law,** such as the *halakhot* of Shabbat limits; this would account for the discrepancy.

וּבְדְרַבָּנַן מִי אִית לֵיהּ? וְהָתָנֵי עַיּוֹ:

But does he accept retroactive designation **in** matters of **rabbinic law? Didn't** the Sage **Ayo teach** otherwise in regard to the *halakhot* of joining of Shabbat boundaries [*eiruv teḥumin*]? As it was taught in a mishna: One who has heard that a rabbi will be coming to a place near his town to deliver a lesson on Shabbat, but is unsure where the lecture will take place, may place two *eiruvin* on Shabbat eve in two different directions, while stipulating that only the *eiruv* on the side where the rabbi will teach will take effect. Furthermore, if he hears that two rabbis will be coming to two different locations, he may place two *eiruvin* and stipulate that he will decide on Shabbat which rabbi he prefers, and consequently which of the two *eiruvin* will take effect.

רַבִּי יְהוּדָה אוֹמֵר: אֵין אָדָם מַתְנֶה עַל שְׁנֵי דְּבָרִים כְּאֶחָד, אֶלָּא אִם בָּא חָכָם לַמִּזְרָח – עֵירוּבוֹ לַמִּזְרָח, לַמַּעֲרָב – עֵירוּבוֹ לַמַּעֲרָב. וְאֵילּוּ לְכָאן וּלְכָאן – לֹא.

Ayo taught in a *baraita* that **Rabbi Yehuda** disagreed with this *halakha* and **said: A person may not make a stipulation with regard to two** contradictory **things at once,** and therefore if two Sages will be arriving, his condition is of no effect. **Rather,** it is true that in the first case, where he knows that a rabbi is coming but does not know from which direction, he may place two *eiruvin* and stipulate that **if the rabbi comes from the east his *eiruv* in the east** will take effect, and if the rabbi comes **from the west, his *eiruv* in the west** will take effect. **However,** in the second case, when two rabbis come to the two locations, one of them arriving **here and** the other arriving **there,** and one wants to place two *eiruvin* and decide on Shabbat which of the two lecture he will attend, this he may **not** do; that would require the identity of the functional *eiruv* to be determined retroactively, and one's place of rest must be determined when Shabbat begins.

Perek **V**
Daf **38** Amud **a**

וְהָוֵינַן בָּהּ: מַאי שְׁנָא לְכָאן וּלְכָאן דְּלָא – דְּאֵין בְּרֵירָה, מִזְרָח וּמַעֲרָב נַמִּי – אֵין בְּרֵירָה.

And we discussed the following difficulty **with regard to this** teaching of Ayo: **What is different** about the case where two rabbis are coming to the two locations, one **here and** the other **there,** and one places two *eiruvin*, planning to decide on Shabbat which lecture he will attend? Why did Rabbi Yehuda state that this may not be done? It is because he held that **there is no** retroactive **designation.** But if so, in the first case **as well,** where only one rabbi comes, but the location of his lecture was not known before Shabbat, and one placed *eiruvin* in the **east and** the **west,** we should say that neither is effective because the rabbi's location will not be known until Shabbat, and **there is no** retroactive **designation.**

וְאָמַר רַבִּי יוֹחָנָן: וּכְבָר בָּא חָכָם. אַלְמָא: לֵית לֵיהּ לְרַבִּי יוֹחָנָן בְּרֵירָה.

And Rabbi Yoḥanan said in explanation: This first case is referring to a situation in which the **rabbi had already arrived**[N] before the *eiruv* was placed, but the one placing the *eiruv* does not know the rabbi's location. Therefore, it had already been determined which of the two *eiruvin* would be effective, although it was not yet known to him when Shabbat began. **Apparently,** then, **Rabbi Yoḥanan does not accept** the principle of retroactive **designation** even in matters of rabbinic law, as he states that if the rabbi were to arrive after the *eiruv* was placed, it would not be effective retroactively.

אֶלָּא, לְעוֹלָם לָא תֵּיפוֹךְ. וְכִי לֵית לֵיהּ לְרַבִּי אוֹשַׁעְיָא בְּרֵירָה – בִּדְאוֹרַיְיתָא, אֲבָל בִּדְרַבָּנַן – אִית לֵיהּ.

Rather, the Gemara rejects this approach and states: **Actually, do not reverse** the views of Rabbi Yoḥanan and Rabbi Hoshaya; it is indeed Rabbi Hoshaya, also known as Rabbi Oshaya, who accepts retroactive designation, and Rabbi Yoḥanan who rejects it. As for Rabbi Oshaya's statement with regard to the entrances to a house that contains a corpse, the following answer may be offered: **And when does Rabbi Oshaya not hold** of the principle of retroactive **designation?** With regard to matters of **Torah** law, such as the ritual impurity of the dead. **But with regard to** matters of **rabbinic** law, such as Shabbat limits and the placement of *eiruvin*, **he does accept** this principle.

דָּרֵשׁ מָר זוּטְרָא: הֲלָכָה כְּרַבִּי אוֹשַׁעְיָא.

Mar Zutra taught in a public **lesson:** The ***halakha* is in accordance with** the opinion of **Rabbi Oshaya** with regard to retroactive designation.

אָמַר שְׁמוּאֵל: שׁוֹר שֶׁל פַּטָּם הֲרֵי הוּא כִּרְגָלֵי כָּל אָדָם, שׁוֹר שֶׁל רוֹעֶה – הֲרֵי הוּא כִּרְגָלֵי אוֹתָהּ הָעִיר.

Shmuel said: An ox of a fattener,[NH] one whose occupation is to fatten oxen in order to sell them for their meat, **is as the feet of all people.** It is as the feet of the one who acquires the animal on the Festival, even if the buyer is from another city, as the fattener's intention when the Festival begins is that the ox belong to whoever buys it. But **an ox of a shepherd,**[NH] who raises oxen for himself but occasionally sells them to his neighbors or acquaintances, **is as the feet of** the people of **that city,** as his intention when the Festival begins is that he might sell the animal to someone in town, but not to someone from out of town.

״הַשּׁוֹאֵל כְּלִי מֵחֲבֵירוֹ מֵעֶרֶב יוֹם טוֹב״. פְּשִׁיטָא! לָא צְרִיכָא שֶׁלֹּא מְסָרוֹ לוֹ אֶלָּא בְּיוֹם טוֹב. מַהוּ דְּתֵימָא: לָאו בְּרִשׁוּתֵיהּ אוֹקְמֵיהּ, קָא מַשְׁמַע לָן.

§ The mishna states: In the case of **one who borrows a vessel from another on the eve of a Festival,**[H] it is as the feet of the borrower. The Gemara asks: It is **obvious** that this is the case, as the place of rest of the vessel has already been established in the possession of the borrower. The Gemara answers: **No,** it is **necessary** to state this *halakha* in a case **where one did not deliver** the vessel **to him until the Festival** itself. **Lest you say:** Since the lender **did not establish it in** the borrower's **possession** before the Festival began, it should remain as the feet of the lender, the mishna therefore **teaches us** that it is not so, but it is as the feet of the borrower.

מְסַיַּיע לֵיהּ לְרַבִּי יוֹחָנָן, דְּאָמַר רַבִּי יוֹחָנָן: הַשּׁוֹאֵל כְּלִי מֵחֲבֵירוֹ מֵעֶרֶב יוֹם טוֹב, אַף עַל פִּי שֶׁלֹּא נְתָנוֹ לוֹ אֶלָּא בְּיוֹם טוֹב – הֲרֵי הוּא כִּרְגָלֵי הַשּׁוֹאֵל.

The Gemara comments: Interpreted in this manner, the mishna **supports** a statement of **Rabbi Yoḥanan, as Rabbi Yoḥanan said: One who borrows a vessel from another on the eve of a Festival, even if he did not give it to him until the Festival** itself, **it is as the feet of the borrower.**

NOTES

The rabbi had already arrived – וּכְבָר בָּא חָכָם: Rav Yitzḥak Abuhav distinguishes two related but distinct concepts: Retroactive designation [*bereira*] and retroactive discovery of a matter [*gilui milta lemafrei'a*]. Retroactive discovery of a matter refers to a situation in which one is unaware of the state of affairs in question at a particular time, but there is no objective doubt as to the facts. In that case, when the facts of the current situation become known later, the situation is considered retroactively clarified. The example here is when the rabbi had already arrived at a certain location before Shabbat, but the one placing the *eiruv* does not yet know the identity of this location.

In contrast, retroactive designation is invoked when the facts have not yet been established at a certain time, and they will be clarified only later, such as in the case where the direction from which the Sage will later arrive is unclear when Shabbat begins. It is in cases such as this that there is a question as to whether or not there is retroactive designation, i.e., whether or not it can be said that once a matter has been clarified, it is considered as though it was already known at an early time.

An ox of a fattener – שׁוֹר שֶׁל פַּטָּם: The early commentaries discuss Shmuel's words at length, both with regard to the meaning of the statement itself and especially in light of his early teaching that an animal divided up by partners on a Festival is as the feet of both of them, as Shmuel does not allow retroactive designation. Many commentaries maintain that since a fattener's ox is designated from the start to be sold to anyone, it is considered public property or ownerless with regard to the Shabbat limit, similar to a cistern of the exiles (see 39a). In other words, it does not acquire a place of rest in any particular spot, as all are considered its owners (see Rashi, Rid, and Rambam).

Others suggest that at the start of the Festival the partners do not intend to sell their animal to anyone else or to remove it from their possession, whereas the fattener intends to sell his ox to someone (Rabbi Zerahya HaLevi); or similarly, that partners are fastidious about maintaining their own portions, as opposed to a fattener, who wants to sell his animal to someone else (Ra'avad). Others write that in fact Shmuel should have ruled stringently in this case as well, but that he permits the fattener's ox because the fattener would suffer a major loss if he were unable to sell the meat (Rabbeinu Peretz; Rashba).

An ox of a shepherd – שׁוֹר שֶׁל רוֹעֶה: Rashi explains the difference between the fattener and the shepherd as follows: Although a shepherd will occasionally sell one of the animals in his possession, he is not known as a meat merchant. People from another town will not seek him out to purchase from him, and consequently he does not have the prior intention to sell the animal to such people. The *Meiri* adds that since a fattener's ox has been specially fattened for its meat, people come from far away to purchase it, whereas oxen of shepherds are typically sold only to local residents because oxen of this kind can be found anywhere.

HALAKHA

An ox of a fattener – שׁוֹר שֶׁל פַּטָּם: An ox designated for fattening is as the feet of whoever buys it to slaughter it on a Festival. Similarly, if its owner slaughters it and sells its meat, each customer may take his meat to wherever he is permitted to walk, in accordance with the opinion of Shmuel (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:6).

An ox of a shepherd – שׁוֹר שֶׁל רוֹעֶה: A grazing ox used for work is as the feet of the inhabitants of that town. Even if the shepherd places an *eiruv* to a particular side of the town, this does not prevent any of the town's inhabitants who buy the ox from leading it to their own boundary, in accordance with the opinion of Shmuel (*Taz*; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:7).

One who borrows a vessel from another on the eve of a Festival – הַשּׁוֹאֵל כְּלִי מֵחֲבֵירוֹ מֵעֶרֶב יוֹם טוֹב: In the case of one who borrows a vessel from another on the eve of a Festival, it is as the feet of the borrower, even if he actually took it only on the Festival itself. If the lender stipulated that the vessel must be returned to him on the Festival, it is as the feet of both of them (*Arukh HaShulḥan*). If the vessel was borrowed on the Festival itself, it is as the feet of the lender, even if the borrower habitually borrows the object from him (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 397:11).

PERSONALITIES

Rabbi Abba – רַבִּי אַבָּא: Rabbi Abba was a Sage of the second and third generation of Babylonian *amora'im*. He was an outstanding student of Rav Huna and Rav Yehuda, and it is possible that he even saw Rav and Shmuel in his youth. He was still alive during Rava's time, the fourth generation of Babylonian *amora'im*. As related here, Rabbi Abba immigrated to Eretz Yisrael. Despite his initial reception there, Rabbi Abba eventually became one of Rabbi Yoḥanan's most important students and was considered one of the greatest scholars of Eretz Yisrael. In the Jerusalem Talmud, his name is generally shortened to Rabbi Ba or Rabbi Va. It is said that the expression: Our Rabbis in Eretz Yisrael, refers to him.

Rabbi Abba was quite wealthy. Due to his business dealings, he needed to travel both to many places within Babylonia, where he spent his time equally engaged in commerce and in discussions of *halakha* with leading scholars, and to other countries. His travels at sea are mentioned on several occasions. Several stories also describe his generosity with regard to matters of charity, and his manner of donating to the poor while upholding their dignity.

Although it seems that he did not head an academy himself, he had many students, and both the Babylonian and Jerusalem Talmud cite many teachings in his name.

״בְּיוֹם טוֹב בִּרְגְלֵי הַמַּשְׁאִיל״ פְּשִׁיטָא! לָא צְרִיכָא דְּרָגִיל וְשָׁאֵיל מִינֵּיהּ, מַהוּ דְּתֵימָא: בִּרְשׁוּתֵיהּ קָא מוֹקִים לֵיהּ, קָא מַשְׁמַע לָן; מֵימַר אָמַר דִּלְמָא מַשְׁכַּח אִינִישׁ אַחֲרִינָא, וְאָזֵיל וְשָׁאֵיל מִינֵּיהּ.

§ It is taught in the mishna: If one borrowed **on the Festival** itself, **it is as the feet of the lender.** The Gemara again wonders: This is **obvious.** The Gemara answers: **No,** it is **necessary** to state this *halakha* in a case where this borrower **is accustomed to borrowing** such items **from** this lender. **Lest you say** that since it is a regular occurrence for this loan to take place, the lender **establishes it in his possession** ahead of time, and it should therefore be considered as though the object's place of rest is established as the feet of the borrower, the mishna therefore **teaches us** that it is not so, as the lender **certainly says** to himself: **Perhaps he will find someone else** this time, **and he will go and borrow from him.** Consequently, the lender does not transfer possession of the object to the borrower until the latter takes it, and it may be carried only where the lender may go.

״וְכֵן הָאִשָּׁה שֶׁשָּׁאֲלָה מֵחֲבֶרְתָּהּ״. כִּי סְלֵיק רַבִּי אַבָּא אֲמַר: יְהֵא רַעֲוָא דְּאֵימָא מִלְּתָא דִּתְתְקַבֵּל. כִּי סְלֵיק אַשְׁכַּחֵיהּ לְרַבִּי יוֹחָנָן וְרַבִּי חֲנִינָא בַּר פַּפִּי וְרַבִּי זֵירָא, וְאָמְרִי לָהּ רַבִּי אַבָּהוּ וְרַבִּי שִׁמְעוֹן בֶּן פָּזִי וְרַבִּי יִצְחָק נַפָּחָא, וְיָתְבִי וְקָאָמְרִי: אַמַּאי? וְלִבְטִיל מַיִם וּמֶלַח לְגַבֵּי עִיסָּה! אֲמַר לְהוּ רַבִּי אַבָּא:

§ It is taught in the mishna: **And similarly, a woman who borrowed** spices[N] **from another** to put in a dish, or water and salt to put in her dough, these are as the feet of both of them. The Gemara relates: **When Rabbi Abba**[P] **ascended** from Babylonia to Eretz Yisrael, **he said: May it be** God's **will that I say a statement** of *halakha* **that will be accepted**[N] by my listeners in Eretz Yisrael, so that I will not be put to shame. **When he ascended,** he found **Rabbi Yoḥanan, Rabbi Ḥanina bar Pappi, and Rabbi Zeira, and some say** he found **Rabbi Abbahu, Rabbi Shimon ben Pazi, and Rabbi Yitzḥak Nappaḥa, and** they **were sitting and saying** in a discussion of the mishna: **Why** is this the *halakha* with regard to dough? **But let** the **water and salt be** considered **nullified**[N] **in the dough,** and the status of the dough should follow its flour rather than its minor ingredients, such as water and salt. **Rabbi Abba said to them:**

NOTES

A woman who borrowed spices – הָאִשָּׁה שֶׁשָּׁאֲלָה תַּבְלִין: Ordinarily the Sages use the root *l-v-h* rather than *sh-a-l*, which is used here, to refer to borrowing an item that is not returned intact, most commonly money. However, here the mishna uses the expression *sha'ala,* because the term *loveh*, associated with long-term financial transactions, is inappropriate when borrowing items on Shabbat or a Festival, as this is a weekday activity (see *Shabbat* 148a).

May it be God's will that I say a statement of *halakha* that will be accepted – יְהֵא רַעֲוָא דְּאֵימָא מִלְּתָא דִּתְתְקַבֵּל: The *Ḥatam Sofer* explains that since the inhabitants of Eretz Yisrael were aware of their own greatness in Torah study and considered the learning in Babylonia inferior to theirs, Rabbi Abba prayed that his first teachings would be well received by the local Sages (see *Ketav Sofer*).

But let water and salt be considered nullified – וְלִיבְטִיל מַיִם וּמֶלַח: *Tosafot* and many other early authorities find difficulty with this suggestion of nullification. There are certainly many difficulties with regard to the exact halakhic definition of the prohibition involved in the salt and water, which stems from the concept of the Shabbat limit. Others pose a related question with regard to the logic behind this nullification, as in general nullification applies to a case in which the prohibited item is up to one-sixtieth of the remainder of the mixture, and it is unlikely that the dough's flour would amount to sixty times the water. Some explain that since the *halakha* of Shabbat limits is rabbinic, the ratio for nullification is applied in accordance with the Torah principle, which is that a minority, even one greater than one-sixtieth, is nullified in a majority (*Shitta Mekubbetzet*).

The Ra'ah writes that this is not a regular case of nullification that concerns a particular amount, but rather a question of whether or not this dough should be viewed as joint property. Since the water and salt are not significant in the overall dough, they lose the status of independently owned property.

הֲרֵי שְׁנִּתְעָרֵב לוֹ קַב חִטִּין בְּעֶשָׂרָה קַבִּין חִטִּין שֶׁל חֲבֵירוֹ, יֹאכַל הַלָּה וְחָדֵי? אֲחֵיכוּ עֲלֵיהּ. אֲמַר לְהוּ: גּוּלְתַּיְכוּ שָׁקְלִי?! הֲדוּר אֲחֵיכוּ עֲלֵיהּ.

If one's single ***kav* of wheat became mingled**[N] **with ten *kav* of another's wheat,** shall **the latter eat** all eleven *kav* **and rejoice?** One does not allow his property to become nullified into someone else's property. The same applies to water and salt in dough. The Sages **laughed at him. He said to them:** Did **I take your cloaks**[NB] from you that you are putting me to shame? **They again laughed at him.**

אֲמַר רַב אוֹשַׁעְיָא: שַׁפִּיר עֲבוּד דַּאֲחֵיכוּ עֲלֵיהּ, מַאי שְׁנָא חִטִּין בִּשְׂעוֹרִים דְּלָא קָאָמַר לְהוּ – דַּהֲוָה לֵיהּ מִין בְּשֶׁאֵינוֹ מִינוֹ, וּמִין בְּשֶׁאֵינוֹ מִינוֹ בָּטֵיל. חִטִּין בְּחִטִּין נַמֵּי, נְהֵי דִּלְרַבִּי יְהוּדָה לָא בָּטֵיל – לְרַבָּנַן מִבְּטַל בָּטֵיל.

Rabbi Oshaya said: They did well to laugh at him. They were correct that the two cases are dissimilar, as they reasoned as follows: **What is different** about a case of **wheat** belonging to one person that became mingled **with barley** of another, that Rabbi Abba **did not say** this case **to them** as an example? He specifically chose an example of wheat mingling with other wheat and not that case of barley **because that is** one **type** mingled **with** something **that is not its** same **type.** The principle is: **A type** of food mixed **with** a large amount of food **not** of its own **type becomes nullified,** and this principle applies even when the two foods belong to two different people. If so, the same may be said when **wheat** of one individual is mixed **with wheat** of another **as well. Although, according to Rabbi Yehuda,** an item mingled with another item of the same type[H] **is not nullified, according to the Rabbis** it **is certainly nullified.**

אֲמַר לֵיהּ רַב סָפְרָא: מֹשֶׁה. שַׁפִּיר קָאָמַרְתְּ? וְלָא שְׁמִיעַ לְהוּ הָא דְּאָמַר רַבִּי חִיָּיא קְטוֹסְפָאָה מִשְּׁמֵיהּ דְּרַב: הַבּוֹרֵר צְרוֹרוֹת מִגָּרְנוֹ שֶׁל חֲבֵרוֹ – חַיָּיב לְשַׁלֵּם לוֹ דְּמֵי חִטִּים.

Rav Safra said to Rabbi Oshaya: **Moses!** This is a term of reverence for the leader of the generation. Have you in fact **spoken well**[N] in defending those who scoffed at Rabbi Abba? **But, did** those Sages who scoffed **not hear** of **this** teaching **that Rabbi Ḥiyya of Ketosfa'a in the name of Rav: One who removes pebbles**[H] **from another's** wheat **granary is obligated** to reimburse him for the loss he has caused and **pay him the value of wheat** according to the weight of those stones. The latter could have sold those pebbles along with his wheat, as there is always some refuse mixed in with the wheat that is weighed and sold along with it. Therefore, the removal of the pebbles has caused the owner of the granary a monetary loss.

BACKGROUND

Cloak [*gulta*] – גּוּלְתָּא: A *gulta* is an outer garment, generally a broad coat worn outside the house. Because it was an important garment, people took precautions to preserve it from damage caused by careless use. It was sometimes embroidered or set with golden ornaments.

HALAKHA

An item mingled with another item of the same type – מִין בְּמִינוֹ: If a prohibited object becomes mingled with a permitted object of the same type, it is nullified, in accordance with the opinion of the Rabbis (*Shulḥan Arukh*, *Yoreh De'a* 98:1).

One who removes pebbles – הַבּוֹרֵר צְרוֹרוֹת: One who removes pebbles from another's granary must pay him the value of wheat, according to the measure of stones he removes, as Rava states that the removal of stones reduces the wheat's weight, resulting in a loss for the granary owner (*Shulḥan Arukh*, *Ḥoshen Mishpat* 229:2).

NOTES

If one's single *kav* of wheat became mingled, etc. – הֲרֵי שְׁנִּתְעָרֵב לוֹ קַב חִטִּין וכו': This entire passage includes several puzzling aspects, and there are several textual variants of it. The first problem is clarifying Rabbi Abba's reasoning, and even more so why the scholars of Eretz Yisrael dismissed it out of hand. Ostensibly, the initial discussion concerns Rabbi Abba's comparison between nullification in the case of Shabbat limits and nullification of one type of food mingled in the same type of food, a comparison the other Sages rejected. However, it is clear that the monetary aspect is an additional factor in Rabbi Abba's argument.

One explanation given is that Rabbi Abba's argument indeed incorporates two elements: First, the monetary aspect of this case prevents the application of the *halakha* of nullification; second, as a support for the first point, there are other cases in which items cannot become nullified, namely, when a food mingles with the same type of food (*Kehal Ye'uda*). Many early authorities in fact stress the monetary aspect of Rabbi Abba's argument: Given that an item involving monetary obligations cannot be nullified under any circumstances, then since the *halakha* of limits in this situation is a consequence of the ownership rights of each of the parties, the case is to be viewed as a monetary one rather than one involving a prohibited food (Ritva).

The Ra'ah claims that the issue is whether the object in question is important enough to prevent its nullification. According to this approach, the ingredients of the dough are not nullified due to the importance of the monetary issue of ownership involved. The proof adduced from Rabbi Yehuda's view that an item cannot become nullified when mingled with similar items is that an item of significance in its own right cannot be nullified. The Jerusalem Talmud also states in a straightforward manner that the Sages compared this issue to monetary law.

Did I take your cloaks [*gultaikhu*] – גּוּלְתַּיְכוּ שָׁקְלִי: Some note that Rabbi Abba's rhetorical question does not seem to fit the situation. Another explanation of these words is that Rabbi Abba was not posing a rhetorical question but making a statement. He meant that with his answer to their question he had, as it were, removed their *gulta*, a garment worn by Torah scholars, by means of his simple, straightforward response (*Etz Yosef*).

Moses, have you spoken well – מֹשֶׁה, שַׁפִּיר קָאָמַרְתְּ: Rashi here explains the word Moses as a form of an exclamation, a kind of oath by the honor of Moses. Elsewhere he explains that Moses is a term of honor for a great, respected scholar, and this is the explanation given by several early commentaries here as well (Ra'ah; *Meiri*). In each case this expression appears, Rav Safra expresses surprise to hear such a statement from a great scholar (*Noda Bihuda*).

אַלְמָא: כִּילָא חַסְרֵיהּ, הָכָא נַמִּי כִּילָא חַסְרֵיהּ.

Apparently, he must compensate him because **he has reduced his measure**[N] of wheat. Despite the fact that the pebbles themselves are worthless, we do not say that the pebbles were nullified in the wheat and that consequently there is no loss involved in their removal. **Here, too,** in the case of one who borrows water and salt, which are not worthless, all the more so may we say that **one has reduced his measure,** and he must compensate the lender; it cannot be said that they are nullified in the dough and that they are no longer taken into account regarding the Shabbat limit.

אֲמַר לֵיהּ אַבַּיֵי: וְלָא שָׁנֵי לֵיהּ לְמָר בֵּין מָמוֹן שֶׁיֵּשׁ לוֹ תּוֹבְעִין לְמָמוֹן שֶׁאֵין לוֹ תּוֹבְעִין?

Abaye objected to the comparison to the case with the pebbles in the wheat, and **said to** Rav Safra: **And** does **the master not differentiate between money that has claimants,** such as in the case of the pebbles removed from the granary in which the owner seeks compensation and therefore there is no nullification, **and money that does not have claimants,** as in the case of water and salt, where the owner lent them to the borrower and does not demand them back for now? In the latter case it is possible for these ingredients to be considered nullified.

אֲמַר לֵיהּ: וְלִיטַעֲמִיךְ, הָא דְּאָמַר רַב חִסְדָּא: נְבֵלָה בְּטֵלָה בִּשְׁחוּטָה – לְפִי שֶׁאִי אֶפְשָׁר לִשְׁחוּטָה שֶׁתֵּעָשֶׂה נְבֵלָה,

Rav Safra **said to him: And according to your reasoning,**[N] that one must distinguish between money that has claimants and money that does not, how would you account for **this** teaching: **Rav Ḥisda said:** According to Rabbi Yehuda, who maintains that an item can be nullified only when mixed with an item of a different type but not of the same type, flesh of an unslaughtered **animal carcass**[B] **can be nullified in** a larger quantity of meat of **a slaughtered** animal.[N] Although carcass meat generally imparts impurity, if someone touches the mixture of the two meats he does not become ritually impure, as the carcass meat is considered a different type from the slaughtered animal, and is therefore nullified. This is **because** meat from **a slaughtered** animal **cannot attain the status of carcass,** and it is therefore viewed as a different type.[H]

שְׁחוּטָה אֵינָהּ בְּטֵלָה בִּנְבֵלָה – לְפִי שֶׁאֶפְשָׁר לִנְבֵלָה שֶׁתֵּעָשֶׂה שְׁחוּטָה.

The Gemara continues to cite Rav Ḥisda's statement: However, if meat of a slaughtered animal became mingled with a larger quantity of pieces of animal carcass, the meat of the **slaughtered** animal **is not nullified by the carcass, as it is possible for a carcass to attain the status of a slaughtered** animal. This means that it can lose its ability to transmit ritual impurity, as if a carcass becomes spoiled to the extent that it is no longer edible, it loses its impure status. The fact that the carcass meat has the potential ability to attain the status of slaughtered meat renders the two meats as the same type, and according to Rabbi Yehuda the smaller amount of slaughtered meat would not be nullified in the larger amount of carcass meat. The entirety of the mixture would not be considered carcass meat, but would retain its status of intermingled carcass and slaughtered meat.

הָכִי נַמִּי, דְּכִי אִית לָהּ בְּעָלִים לָא בָּטְלָה? וְכִי תֵּימָא הָכִי נַמִּי – וְהָא תַּנְיָא, אָמַר רַבִּי יוֹחָנָן בֶּן נוּרִי: חֲפָצֵי הֶפְקֵר קוֹנִין שְׁבִיתָה, אַף עַל פִּי שֶׁאֵין לָהֶם בְּעָלִים – דּוֹמִין כְּמִי שֶׁיֵּשׁ לָהֶם בְּעָלִים.

Here, too, will you say **that if** the carcass **has owners** other than the owner of the slaughtered meat, **it is not nullified** in the slaughtered meat? **And if you say:** Yes, **it is indeed so, but isn't it taught: Rabbi Yoḥanan ben Nuri said: Ownerless objects acquire residence** for Shabbat in their location, and anyone who finds them on Shabbat may move them two thousand cubits in all directions but not beyond that, as **although they have no owner, it is as though they have an owner?** This shows that even property that has no claimants, like the salt and water in this mishna, has its own independent Shabbat limits, which do not become nullified when mixed with items that have a different Shabbat limit.

אֲמַר לֵיהּ: מִי קָא מְדַמֵּית אִיסּוּרָא לְמָמוֹנָא? אִיסּוּרָא – בָּטֵיל, מָמוֹנָא – לָא בָּטֵיל.

Abaye **said to** Rav Safra: **Are you comparing** a *halakha* involving **prohibitions,** i.e., ritual law, **to monetary** law? An object subject to **a prohibition,** such as a prohibited food, **can be nullified,** whereas one's **money cannot be nullified.**

וְטַעֲמָא מַאי?

Therefore, the initial question remains: Why isn't the small amount of salt and water in the dough, which is subject to the ritual restriction of Shabbat limits, nullified in the rest of the dough, in the manner of nullification of all other ritual prohibitions? **And what is the reason** that the water and salt are not nullified in the dough?

NOTES

He has reduced his measure – כִּילָא חַסְרֵיהּ: The Ra'ah explains that this case is intended to prove that although the pebbles are of no importance in their own right, they cannot be nullified because they take up space. So too, although the water and salt in the dough seem insignificant, they take up space in the dough and give it its shape. Similarly, the *Meiri* writes that although the pebbles are worthless, they are not considered negligible. So too, although the water and salt appear insignificant, they belong to a different person and consequently are not subject to nullification.

He said to him, and according to your reasoning – אֲמַר לֵיהּ וְלִיטַעֲמִיךְ לֵיהּ: Many find this passage difficult. Some adopt a different reading, deleting the phrase. Accordingly, this statement is a continuation of Abaye's argument that there is a difference between money that does have claimants and money that does not. The *Meiri* and others follow a similar version of the text.

An animal carcass can be nullified in a larger quantity of meat of a slaughtered animal, etc. – נְבֵלָה בְּטֵלָה בִּשְׁחוּטָה וכו': The early commentaries point out that the nullification in this case does not pertain to the prohibition against eating the carcass meat, as the entire batch is forbidden to be eaten in any event; rather, the nullification affects the status of this meat as ritually impure (Ra'ah). A question is raised here: Why did the Gemara choose such an obscure and complicated example of nullification to ask its question? It could have asked the same question using a much simpler case.

The answer given is that in ordinary cases the nullified object completely loses its identity. In this case, however, the entire batch of meat has been rendered forbidden to eat as a result of the carcass meat, as explained previously, and therefore the carcass meat has not completely lost its identity. It is only in such a case that the Gemara considers the possibility that ownership by a different party may affect the *halakhot* of nullification (Ra'ah).

BACKGROUND

An unslaughtered animal carcass – נְבֵלָה: Not all animals carcasses fall within this halakhic definition. Specifically, it includes the carcasses of large mammals, whether or not they are kosher animals. Among kosher animals, this includes an animal that died of natural causes or died as a result of an improperly executed slaughter. It is prohibited to eat an unslaughtered animal carcass. It is a primary source of ritual impurity, and it renders those who touch or carry it ritually impure until nightfall. Although the carcass may not be eaten, one may derive financial benefit from it. Certain types of severe anatomical defects, e.g., a completely broken neck, place an animal in this category even while it is still alive.

HALAKHA

Carcass meat that became mingled with meat of a slaughtered animal – נְבֵלָה שֶׁהִתְעָרְבָה בִּשְׁחוּטָה: In the case of a carcass that becomes mingled with a larger quantity of meat from a slaughtered animal, the carcass is nullified. Consequently, touching the mixture does not render one ritually impure; however, one who carries the entire mixture is rendered ritually impure. The carcass meat is nullified because the meat of the slaughtered animal cannot attain the halakhic status of a carcass (Rambam *Sefer Tahara*, *She'ar Avot HaTumot* 1:17).

אַבַּיֵי אָמַר: גְּזֵרָה שָׁמָּא תַּעֲשֶׂה עִיסָּה בְּשׁוּתָּפוּת,

Abaye said: It is **a decree** that the Sages made, **lest** a woman **make dough in partnership** with her neighbors. Indeed, in the case of the mishna, the small amount she received from her neighbor should be nullified in the dough. However, on another occasion, several friends or neighbors might decide to pool ingredients and prepare bread in partnership, in which case the bread is certainly bound by the Shabbat limits of all the parties combined. In order to prevent confusion between making dough in partnership and making it with borrowed ingredients, the Sages made a decree that the dough in both cases be subject to the same limitations.

רָבָא אָמַר: תְּבָלִין לְטַעֲמָא עֲבִידִי, וְטַעֲמָא לָא בָּטֵיל.

Rava said a different reason: **Spices are made** in order **to** add **taste**[H] to food, and **taste is not nullified,** even if the amount of actual substance is minute. Nullification indicates that a small amount of food may be considered insignificant and therefore null and void, but if an ingredient is added with the specific intent that its taste be noticed, there can be no nullification.

HALAKHA

Spices are made to add taste – תְּבָלִין לְטַעֲמָא עֲבִידִי: Spices are added for flavor and therefore are not nullified as long as their taste is noticeable. Consequently, if spices with *teruma* status fell into a pot of regular food they are not nullified, even if they constitute one part in a thousand (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:2).

Perek **V**
Daf **39** Amud **a**

וְרַב אַשִׁי אָמַר: מְשׁוּם דְּהָווּ לֵיהּ. דָּבָר שֶׁיֵּשׁ לוֹ מַתִּירִין, וְכָל דָּבָר שֶׁיֵּשׁ לוֹ מַתִּירִין – אֲפִילּוּ בְּאֶלֶף לָא בָּטֵיל.

And Rav Ashi said a different explanation as to why the spices, water, and salt are not subject to nullification: It is **because** any one of these ingredients **is an object whose prohibition is temporary,** as the prohibition against their being taken out of the Shabbat limits lapses once the Festival has passed, **and** the general principle is that **anything whose prohibition is temporary**[N] **cannot become nullified, even** by one part **in one thousand.**

״רַבִּי יְהוּדָה פּוֹטֵר בְּמַיִם״. מַיִם – אִין, מֶלַח – לָא. וְהָא תַּנְיָא, רַבִּי יְהוּדָה אוֹמֵר: מַיִם וּמֶלַח בְּטֵלִין בֵּין בְּעִיסָּה בֵּין בִּקְדֵרָה! לָא קַשְׁיָא; הָא – בְּמֶלַח סְדוֹמִית, הָא – בְּמֶלַח אִסְתְּרוֹקָנִית.

§ It is taught in a mishna: **Rabbi Yehuda exempts** one from travel limitations **in** the case of **water.** The Gemara asks: Does this mean to imply that **water, yes,**[N] it is exempted by Rabbi Yehuda, but **salt, no,** it is not? **But isn't it taught** in a *baraita*: **Rabbi Yehuda says: Water and salt are** both **nullified, whether in a dough or in a pot** of cooked food. The Gemara answers: This is **not difficult.** In **this** case of the mishna, the reference is to **salt of Sodom,** which is quite coarse and does not blend in easily with the dough, and, being noticeable in the final product, is not nullified. In **that** case of the *baraita*, the reference is **to** a type of fine salt known as ***isterokanit***[L] **salt.**[B] Consequently, it is not noticeable in the final product and can be nullified.

וְהָתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: מַיִם וּמֶלַח בְּטֵלִין בְּעִיסָּה וְאֵין בְּטֵלִין בִּקְדֵרָה, מִפְּנֵי רוֹטְבָהּ! לָא קַשְׁיָא; הָא – בְּעָבָה, הָא – בְּרַכָּה.

The mishna states that according to Rabbi Yehuda water mixed into dough, and presumably into a cooked dish as well, is considered nullified. The Gemara challenges this: **But isn't it taught** in a *baraita* that **Rabbi Yehuda says: Water and salt are nullified in dough but not in a pot, due to its sauce.** The pot, unlike bread, ends up with liquid in it, so the borrowed water is still recognizable. The Gemara replies: This is **not difficult. This** case of the mishna, where Rabbi Yehuda says that the water is nullified in the cooked food, is referring **to a thick** dish that has no liquid sauce. **That** case of the *baraita*, in which Rabbi Yehuda said the water is not nullified, is referring **to a thin** dish with liquid sauce.

NOTES

Anything whose prohibition is temporary – דָּבָר שֶׁיֵּשׁ לוֹ מַתִּירִין: Some note that although in many cases it is stated that the *halakha* follows the lenient view in issues of *eiruvin*, this applies only in cases of uncertainty. In a situation such as this, which involves a monetary aspect as well, the Sages were stringent in applying the *halakhot* of nullification (*Ḥatam Sofer*).

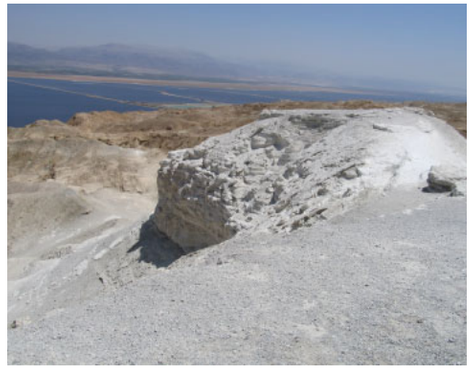
Water, yes, etc. – מַיִם, אִין וכו': Although the *halakha* is not in accordance with the opinion of Rabbi Yehuda, the Gemara elaborates on his opinion, as the ensuing discussion has implications for the Rabbis' opinion as well (*Rishon LeTziyyon*).

LANGUAGE

***Isterokanit* – אִסְתְּרוֹקָנִית:** This word is probably derived from the name of a place, perhaps Ὀστρακίνη, *Ostrakinè*, the Greek name for Ostrakine, a border town in southern Israel. Some say it is named for the area of Astrakhan, on the Caspian Sea. Since the production of salt from seawater took place in that city, this type of salt was named after the place.

BACKGROUND

Salt of Sodom and *isterokanit* salt – מֶלַח סְדוֹמִית וְאִסְתְּרוֹקָנִית: The *ge'onim* explain the word Sodom literally, as meaning salt extracted from Mount Sodom, near the Dead Sea, a mountain made almost entirely of rock salt. This salt, which is crystallized and hard as stone, is very noticeable when placed in a pot. *Isterokanit* salt is produced by drawing seawater into ponds and then letting the water evaporate in the sun. In ancient times such salt was moist and far more dissolvable than salt extracted from stone, making it unnoticeable in a mixture.



Above: Salt cave on Mount Sodom
Left: Rock salt at the peak of Mount Sodom