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Beitzah Daf 38

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

### THE FATTENER AND THE SHEPHERD

Shmuel rules that if one purchases an ox from a fattener on Yom Tov, the ox must remain in the techum boundary of the person who bought the ox.<sup>1</sup> If the ox is purchased from a shepherd, the ox must remain in the techum boundary of the person who bought the ox providing that he is from this city.<sup>2</sup> (38a1)

### THE BORROWER AND THE LENDER

The Mishnah had ruled that one who borrows a utensil from his friend prior to Yom Tov, the techum for the utensil is established by the borrower. The Gemara asks: Is this not obvious? The Gemara answers: This is the halachah even if the utensil was not given over until Yom Tov began. You might have thought that he [the owner] did not place it in his [the borrower's] possession, so he informs us [that it is not so]. This supports Rabbi Yochanan; for Rabbi Yochanan said: If one borrows a vessel from his neighbor on the eve of a Festival, even though he did not hand it over to him until the Festival, it is as the feet of the borrower. (38a1 – 38a2)

The Mishnah had ruled that if the utensil is borrowed on Yom Tov, it can only be taken to the techum boundary of the lender. The Gemara asks: Is this not obvious? The Gemara answers: This is the law even in an instance where the borrower is accustomed to borrow from this lender. You

<sup>1</sup> Rashi explains that this halachah applies even if a person from another city buys the ox. The reason why the techum for the ox is established by the buyer even though he was not the owner until after Yom Tov began is because Shmuel holds of the principle of bereirah in this case because it is clear that the fattener intends to sell this animal. This law applies even if the purchaser was from another city since it was extremely common

might have thought that he [tacitly] puts it into his [the borrower's] possession, so he informs us [that it is not so]; for the lender assumes that since the borrower did not ask to borrow the utensil before Yom Tov, he will be retaining possession of the utensil on Yom Tov and therefore the techum boundary is established according to the lender. (38a2)

### THE NULLIFICATION OF THE SALT AND WATER

The Mishnah ruled that if a woman borrowed from her friend water and salt for her dough, the dough becomes limited to the techum mutual to both of them.

Rabbi Abba went from Bavel to Eretz Yisroel and prayed the following: May it be the will of God that I will say something that the Chachamim of Eretz Yisroel will accept. When he arrived there, he found Rabbi Yochanan and Rabbi Chanina bar Pappi and Rabbi Zeira — some say, Rabbi Avahu and Rabbi Shimon ben Pazzi and Rabbi Yitzchak Nafcha; and they were sitting and saying: Why? The water and the salt are the minority in this mixture and the flour is the majority. Why don't we say that the water and the salt should become nullified in the dough and the techum of the flour only should apply?

for a person to travel from one city to the city where the fattener resides in order to buy an ox from him.

<sup>2</sup> A shepherd's animals, which are not specially fattened, are usually only sold to the residents of that particular city. If an outsider bought the ox, the purchaser cannot move the animal outside the techum of the residents of that city.



Rabbi Abba said to them: If a kav of one's wheat would become mixed with ten kavin of his friend's wheat, would he [the second person] be permitted to eat the entire mixture and be joyful that he obtained an extra kav?<sup>3</sup> The scholars laughed at Rabbi Abba for this explanation. He said to them: Have I taken away your coats [that you laugh at me]? They again laughed at him. Rav Oshaya said: The scholars are justified in their laughter (for Rabbi Abba's logic is flawed). Why didn't Rabbi Abba mention a case where a kav of wheat became mixed with barley? For it is a mixture of a kind with something not of its kind, and he would certainly agree that when there are two types of grain, the wheat would become nullified even pertaining to the ownership of the wheat. A mixture of wheat and wheat as well, while it is true that Rabbi Yehudah does not allow nullification when the grains are the same type, the Chachamim do allow it and therefore the wheat will become nullified even pertaining to the ownership.

Rav Safra (defended Rabbi Abba's position) said to him: By Moshe! Is it well what you say? Did they not hear what Rabbi Chiya of Ctesiphon said in the name of Rav: One who picks pebbles from the wheat in his friend's granary must reimburse the seller the worth of the extra wheat that he received equal to the volume of the pebbles that he removed. It is evident that even items that are insignificant, such as pebbles maintain their status as property of the seller. This was Rabbi Abba's analogy to the salt and water that although they are seemingly insignificant, they nonetheless are still regarded as belonging to the original owner and the techum boundary of the dough must be

<sup>3</sup> It is evident that this is not the case. Nullification applies in instances of issur (prohibition) and heter (permission), not to financial matters. The ownership of the salt and water cannot be nullified. Boundaries for a techum are determined at the commencement of Yom Tov, and at that time the salt and the water belonged to the lender and that cannot be negated.

<sup>4</sup> The pebbles, although worthless, represent value to the owner of the wheat since otherwise he would have to replace the volume of the pebbles with wheat. The salt and water were lent prior to Yom Tov and the owner has no financial interest in

established by determining the owner of the flour, salt and water.

Abaye asked Rav Safra that there should be a basic distinction between money which is being claimed and money which is not being claimed?<sup>4</sup> — He replied to him: And according to your opinion, that which Rav Chisda said: Neveilah is nullified in slaughtered meat, because the slaughtered meat cannot assume the character of neveilah, but slaughtered meat is not nullified in neveilah, because neveilah can assume the character of slaughtered meat. Would you likewise [assume that], if it has an owner, it does not become nullified? And if you say it is even so, surely it was taught in a Baraisa: Rabbi Yochanan ben Nuri said that even ownerless objects have a techum boundary (and cannot be moved more than 2,000 amos away from their original location on Shabbos), for although they are ownerless, they are regarded as if they have owners.<sup>5</sup>

Abaye said to him: Can the laws of prohibitions (techumin) be compared to monetary matters (such as the case of the pebbles)? Prohibitions may become nullified, whereas monetary rights do not become nullified.<sup>6</sup> (38a2 – 38b3)

So what is the reason (that the lesser ingredients do not become nullified)? [The Gemora offers three different answers to the original question.]

Abaye answers that the Rabbis were concerned that if they would disregard the boundaries originating from the salt and water, people might mistakenly disregard the owner of the

owning them. Therefore, it can be stated that the salt and water should be nullified and the pebbles should not.

<sup>5</sup> It is clear that even if the original owner has no financial interest in the water and salt, they will still have their independent techum boundary, just like an ownerless item.

<sup>6</sup> The pebbles are solely a financial issue and the principle of nullification does not apply. Techumin, however, is a prohibition and the prohibition is not necessarily connected to the ownership of the items. The prohibition stemming from the salt and the water can be nullified and thus the original question remains intact.



salt and water when two women are making dough together as partners. Obviously in a case of partners, we cannot nullify the prohibitions stemming from the salt and water because they are partners.

Rava adds that the spices cannot be nullified in a pot of cooked food since the spices are added to provide taste and taste can never become nullified in a mixture.

Rav Ashi answers that the principle of nullification cannot apply in this case because it is an object that will become permitted eventually (after Shabbos or Yom Tov) and forbidden objects that will become permitted after time do not become nullified. (38b3 – 39a1)

#### **DAILY MASHAL**

#### **RABBI ABBA'S PRAYER**

Rabbi Abba went from Bavel to Eretz Yisroel and prayed that Hashem should help that he will say something that the Chachamim of Eretz Yisroel will accept.

It is evident from the discourse of the Gemora that his tefillah was not accepted. The Chasam Sofer explains that his prayer was improper. A person should pray like the tefillah Reb Nechunya ben Hakonah instituted that he should not cause anyone to stumble in a halachic matter. One's concern in a halachic dispute should not be that his words will be accepted, rather that all sides of the argument should be examined thoroughly and the truth should be determined. A person's words and theories should be solely for the sake of Hashem, to honor Him and not for his own personal reputation and dignity.

The Marcheshes, in his introduction to his sefer, wonders as to why the tefillah of Rabbi Abba was not accepted by all of Klal Yisroel in the same manner as Reb Nechunya ben Hakonah's tefillah was? Why did Rabbi Abba need this tefillah exclusively when he was traveling from Bavel to Eretz Yisroel? He answers that there are many different styles of learning. It varies according to every location and time. The

style of learning in Eretz Yisroel was vastly different than that of Bavel. Rabbi Abba was comfortable in Bavel and his manner of learning and his insights were accepted by the students. He was concerned that his style of learning would not be accepted among the scholars of Eretz Yisroel and that is what prompted him to initiate this tefillah.