

OVERVIEW of the Daf

1) A disputed שטר (cont.)

The assertion that a garment could be physically divided since each half is fit for a child is unsuccessfully challenged from a statement of Rava.

Proof to the assertion that an item under dispute can be physically divided is presented.

2) Lifting a lost object for his friend

Rami bar Chama infers from the Mishnah that if one lifts a lost object for his friend, then his friend acquires that object.

Rava rejects the inference and thus the conclusion that Rami bar Chama draws from the Mishnah.

Rava proves that the logic behind the Mishnah's ruling is that "since" he can acquire it for himself he can acquire it for others.

Rava applies the principle of "since" to another case.

This application is successfully challenged forcing the Gemara to emend Rava's statement.

This emendation is also successfully challenged and the Gemara presents an alternative emendation.

This ruling is unsuccessfully challenged.

R' Acha the son of R' Ada questions which part of the Mishnah was the basis of Rami bar Chama's inference.

After suggesting many different clauses of the Mishnah the Gemara finally accepts that it comes from the last clause.

Rava's response to Rami bar Chama is revised to reflect our new understanding of Rami bar Chama.

3) Riding and leading

R' Yehudah cites two rulings from Shmuel, one concerning a rider and the other concerning someone leading an animal but did not recall which one of them acquires and which one of them does not.

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REVIEW and Remember

1. How does Rami bar Chama demonstrate that when one lifts an object for a friend the friend acquires that object?
2. Why does Rava reject Rami bar Chama's inference?
3. What claim does someone leading an animal have that could even supersede the claim of someone riding the animal?
4. What is the origin of the word מוסירה?

Distinctive INSIGHT

Picking up an item for one's friend

אמר רמי בר חמא זאת אומרת המגביה מציעא לחבירו קנה חבירו וכו'

Rami bar Chamma declared that we can see in our Mishnah that if someone picks up an ownerless item on the behalf of his friend, the friend becomes the legal owner of that item. The Gemara proceeds to search and discover from where in our Mishnah is this observation apparent, and whether it is, in fact, a conclusive note.

Rashi explains that Rami bar Chamma's assumption is that each person in our Mishnah who picks up the talis does so having in mind that his friend, who is also lifting up the talis, should acquire half of it. Pnei Yehoshua notes that each person in the Mishnah is claiming to be the exclusive, full owner of the garment. This claim does not indicate that each one expects that his actions will assist the other to acquire half the garment. Pnei Yehoshua therefore explains that Rashi's comment is in reference to the last section of the Mishnah, where we see that when both agree, they are to divide the garment without an oath. Here, we can explain that each picked up the item knowing that it is for himself and for his friend. The technical manner in which this works is that each is picking up the garment half for himself and half for his friend, and the halahca recognizes this act to be valid.

Ritva explains that although the standard rule of Rami bar Chamma about picking up a lost object on the behalf of another person only works when the finder specifically intends his act to benefit his friend, in our Mishnah the case can be where this intent was lacking. The proof of Rami bar Chamma from the Mishnah is that if, in general, one person's picking up an object for his friend is not recognized as being a valid legal move, the actions of each picking up the object together in our Mishnah would also be disqualified. However, since the Mishnah teaches that each party acquires part of the garment, this indicates that in general a person may pick up an item on his friend's behalf.

The Acharonim offer various explanations why each person merits a portion of the item in the Mishnah in spite of the fact that neither had intent to lift it for the other. Pnei Yehoshua suggests that this is a rabbinic enactment, whereby we consider each as if he lifted the item for the other. Chidushei R' Shimon Shkop explains that the acquisition in the Mishnah is not working due to each assisting the other, but rather using the rule of שנים שעשו. When an act is done by two people, and both are essential to its completion, each gets full credit for the entire act. This only is the case when each one's act works in tandem with the other, and this is the proof to Rami bar Chamma. ■

HALACHAH Highlight

The character of a partnership

ושותפין שגנבו חיובין

Partners that steal are obligated to pay

Authorities express uncertainty about a case of two partners who steal a single perutah from an individual. Do we say that together they are obligated to return the stolen money since a perutah was taken from the victim or perhaps since each thief is only responsible for half a perutah they are not obligated to reimburse the victim? A similar question involves a thief who stole a single perutah from two partners. Do we say the thief stole a perutah and thus is obligated to reimburse his victim or perhaps since he does not owe either victim a single perutah he is exempt? Teshuvos Rav Pealim¹ explains that the crux of the question is whether we treat money owned by partners as if it is owned by an individual or perhaps it is considered as if each partner owns half of the money.

Teshuvos Divrei Yatziv² utilizes this question to explain a dispute between Chavos Yair and Shvus Yaakov. Two thieves successfully stole money and split the profit equally. After one of the thieves fled the remaining thief was caught and the question arose whether the thief that was caught is obligated to reimburse the victim for the entire amount that was stolen. Chavos Yair³ adopts the position that one thief is not liable to cover the obligation of the second thief who fled, whereas Shvus Yaakov⁴ asserts that the two thieves become responsible for each other's obligations similar to partners who borrow money together where each one could be held responsible to cover the full amount of the loan. Divrei Yatziv suggests that Shvus Yaakov adopts the perspective that a partnership creates a new entity and that entity has the capacity to incur debt, or

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The Gemara struggles to figure out the circumstances of R' Yehudah's uncertainty concerning Shmuel's rulings.

After clarifying that R' Yehudah referred to a circumstance where one is riding and the other is leading the same animal R' Yosef makes an attempt to resolve R' Yehudah's uncertainty.

Abaye questions the manner in which R' Yosef presented this halacha.

R' Yosef explained his presentation.

A second version of the exchange between R' Yosef and Abaye is presented.

R' Chelbo in the name of Rav rules that taking the animal's bridle is a kinyan when taking the animal from a friend but not a kinyan if the animal is acquired as a lost object or the property of a deceased convert.

The origin of the etymology of the word מוסירה—bridle—is explained.

The earlier conclusion that one does not acquire an animal that he rides is unsuccessfully challenged.

A Baraisa is cited in support of the assertion that riding on an animal is not a valid kinyan. ■

steal money. Accordingly, if one of partners is present the partnership is represented and collection could be made from the partnership. In contrast, Chavos Yair holds that a partnership does not create a new entity; rather it is merely the composite of the interests of the different parties and thus each person could only be held accountable for his share but not for the entire amount. ■

1. שר"ת רב פעלים ח"א י"ד סי' ח'
2. שר"ת דברי יציב חו"מ סי' ס"ז
3. שר"ת חוות יאיר סי' רי"ב
4. שר"ת שבות יעקב ח"א סי' קע"ח ■

STORIES Off the Daf

Avoiding controversy

תקינו להו רבנן דלא אתי לאנצווי

On today's daf we find that chazal made a decree to avoid machlokes.

The Ponevezher Rav, ז"ל, recounted that while he was learning in the Kollel Kodshim in Radin, the "progressive" Jews worked with great diligence to divest the town's Torah-true Jews of any communal authority. One area that had always been the realm of only the devout was taking care of the dead. In a bid to change this,

the progressives made their own chevrah kadishah. This move caused a tremendous machlokes that swept up the entire city.

When the Chofetz Chaim, ז"ל, got wind of this, he gathered everyone together in the shul, ascended to the bimah and spoke with great emotion. "Machlokes is a Torah prohibition and a very serious matter. When you come to the world of truth they will ask why you participated in this fight that rages like a fire through our city. In your desperation, you will surely claim that although Yisrael Meir lived in your town he did not protest this, so you figured that it was permitted

in this situation.

"This is why I have called you all together: to warn you that machlokes is a very serious prohibition and to beg each of you to cease his part in this fight. If you refuse, I will have to insist that you sign a paper stating that although I warned you, you have chosen on your own responsibility to disregard my words.

He concluded, "My own burden of sins is quite big enough; I do not need to be caught in your sins as well!"

His words were spoken with such heartfelt pain that from that moment on the machlokes settled down.¹ ■

1. לולי תורתך ע' רס"ג