



OVERVIEW of the Daf

1) The dispute between R' Tarfon and R' Akiva

The Gemara declares that the dispute between R' Tarfon and R' Akiva regarding the liability of the finder is limited to where the finder used the money but if he didn't all opinions would agree that there is no lliability.

It is suggested that this explanation refutes R' Yosef who holds that a finder has the liability of a paid watchman.

R' Yosef defends his position.

This explanation is unsuccessfully challenged.

R' Yehudah in the name of Shmuel rules that the halacha follows R' Tarfon who permits the finder to use the money.

In a related incident R' Yosef allowed a finder to use the money that he found.

Abaye successfully challenged this ruling arguing that R' Tarfon only permits the finder to use the money if he had to sell the lost object but not when he finds lost money.

2) **MISHNAH:** The Mishnah presents the proper way for the finder to care for the lost objects that are in his possession.

3) Finding tefillin

Shmuel rules that one who finds tefillin should appraise their value, sell them and hold onto the money.

Ravina unsuccessfully challenges this ruling.

4) Borrowing a Sefer Torah

A Baraisa discusses the responsibilities of one who borrows a Sefer Torah.

The reason it was necessary for the Baraisa to teach that one who borrows a Sefer Torah is not permitted to lend it to others is explained.

It is noted that the Baraisa's ruling that it is permitted for a borrower to read from the Sefer Torah is necessary for the subse-

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REVIEW and Remember

1. What is the source that a parah adumah does not become disqualified by carrying a bird on her back?

2. What are examples where a person is exempt from the mitzvah of returning lost items?

3. How do we determine whether returning something is beneath one's dignity?

4. Does someone who finds a lost object have the right to expect reimbursements for his time?

Distinctive INSIGHT

A dignified mitzvah to return lost objects

אמר רבא כל שבשלו מחזיר בשל חברו נמי מחזיר

The Torah commands that a person who finds a lost object must return it. The halacha recognizes, however, that there are times when a person may legitimately avoid involving himself in this endeavor. Examples of this in the Baraisa are if a kohen sees the object in a graveyard, or if the finder is an elderly person, and it is not dignified for him to be seen in public carrying such an item. In these and other similar cases, the finder is allowed to and even required to ignore returning the object.

Rava provides a general guideline to quantify this halacha. A person is not required to involve himself with returning an object belonging to someone else if it is an item which he would not handle even if were his own. If person would not carry a heavy or bulky object in public, or if he would not transport certain tools in public even if they were his own, he is exempt from doing so for others, as well. Maharshal notes that the criterion of Rava does not seem to differentiate between an elderly person and anyone else, as the Baraisa stated. In other words, according to Rava, even an elderly person is required to return an object if it is the type of thing he would handle for himself, and even a younger person is exempt from this mitzvah if the item is of the type which he would not even handle for his own self. Why, then, does the Baraisa mention anything about an elderly person being exempt any more than anyone else?

Maharshal explains that the point of the Baraisa is that regarding an object which people do not normally carry, an elderly person is assumed to be exempt, unless we know otherwise. A younger person, however, is assumed to be obligated, unless we know otherwise.

Beis Yosef (C.M., intro. to 263) analyzes what Rava adds to the information already furnished in the Mishnah which stated that a person need not involve himself in returning an object which is not dignified for him to handle. Beis Yosef explains the comments of Rava based upon Rambam (גזילה ואבידה יא:ג) who notes that the Mishnah simply states that there are circumstances where an elderly person could be exempt from this mitzvah if it is not dignified for him to handle it, but the Mishnah does not provide the details when and how this is evaluated. Without Rava's words, we might have said that a person might handle his own property more readily, even at the expense of appearing a bit awkward, whereas he would not be comfortable handling the same item, even for others. It is Rava who comes and explains that this law is judged in terms of how a person would or would not handle his own personal possessions. ■

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HALACHAH Highlight

Bikur Cholim over the phone

”ילכו” - זה ביקור חולים

“They may walk” - this refers to visiting the ill

Tur¹ writes that it is a great mitzvah to visit the sick since this has the capacity to restore the life of the patient by davening on his behalf. Furthermore, it allows the visitor to assure that the household chores of the patient are being performed.

Poskim question whether the mitzvah of visiting the infirm — חולים ביקור—is fulfilled by calling the patient on the phone. Teshuvos Be'er Moshe² cites our Gemara that derives the mitzvah of חולים ביקור from the word “ילכו” and asserts that the primary component of the mitzvah is to specifically walk to the patient and not to simply inquire about his well-being in other fashions. Although other interpersonal mitzvos could be fulfilled through an agent, nonetheless, the mitzvah of חולים ביקור may only be fulfilled when the person himself travels to visit the patient. Therefore, the mitzvah of חולים ביקור is not fulfilled by calling the patient, but it could be assumed that there is some reward for calling someone who is ill to inquire about his or her well-being. Teshuvos Minchas Yitzchok³ also writes that one who calls someone who is ill rather than visits him or her personally does not fulfill the mitzvah fully, nevertheless, there are still components of the mitzvah that are fulfilled if one speaks to the patient on the phone and when it is not possible to visit personally one should certainly speak to the patient on the phone.

Rav Moshe Feinstein⁴ wrote that one who calls an ill friend on the phone has certainly fulfilled the mitzvah of חולים ביקור but he has not fulfilled his complete obligation since there are certain components of the mitzvah that cannot be fulfilled unless one visits the

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quent ruling that he should not study something for the first time.

The Baraisa's ruling related to reading from a deposited Sefer Torah is explained.

The Gemara identifies the point of dispute between R' Eliezer ben Yaakov and Tanna Kamma.

5) Two people reading from a borrowed Sefer Torah

A Baraisa implies that two people could read from a borrowed Sefer Torah which contradicts the Mishnah that ruled that two people may not read from the Sefer Torah.

Abaye resolves the contradiction.

6) Shaking out a garment

The Mishnah that implies that shaking out a garment is beneficial is contradicted by a statement of R' Yochanan who indicates that it is harmful.

Four resolutions to this contradiction are presented.

Tangentially, R' Yochanan warns against drinking lukewarm water and the parameters of this restriction are explained.

R' Yochanan also offers advice against becoming accustomed to an expensive lifestyle. ■

patient personally. For example, one who visits personally provides the patient with a degree of contentment (נחת רוח) that is not conveyed when one merely calls on the phone. Additionally, seeing the patient's condition often evokes a more heartfelt prayer which is obviously more beneficial for the patient. Therefore, one should make an effort to visit the patient personally but when a personal visit is not possible one should call the patient and inquire about his or here wellbeing over the phone. ■

1. טור יו"ד סי' של"ה
2. שו"ת באר משה ח"ב סי' ק"ה
3. שו"ת מנחת יצחק ח"ב סי' פ"ד
4. שו"ת אג"מ יו"ד ח"א סי' רכ"ג

STORIES Off the Daf

Visiting the sick

המבקר את החולה נוטל אי מששים בחליו

A certain maggid once arrived in a city which a number of well-known “characters” lived. One was a wealthy man who was something of a scholar but never gave any money to the many poor people who approached him. This man had been so absolutely immovable in this regard for such a long time that everyone figured he may well stay that way until the day he died.

Which is why people were surprised when this maggid declared with confidence that he would successfully solicit a donation from the notorious miser. When someone tried to discourage the maggid from attempting what so many had proven to be a waste

of time, the maggid merely said, “You’ll see, I will definitely convince him, with Hashem’s help.”

When the maggid showed up at the wealthy man’s house, he was invited in. After all, the gentleman appeared to be a worthy individual and it was definitely possible that he was visiting for a valid reason.

As they were sitting together, the wealthy man asked, “To what do I owe the honor of this visit?”

“I heard you were sick and came to be mevaker cholim,” was the man’s strange reply.

“But I’m healthy as can be!” replied the flummoxed man.

The visitor demurred. “I am sorry to inform you that you actually are quite ill. Does it not clearly state in the verse, ‘A man to whom Hashem gives riches, wealth, and honor, so that he wants nothing for his soul of all that he desires, yet Hashem does not

give him the power to eat of it...this is an evil disease?”

The wealthy man didn’t really have an answer to that, so he remained silent and so did the maggid.

After a few minutes of introspection the somewhat uncomfortable man invited the maggid to leave. “Well, you have surely discharged your mitzvah of bikur cholim, so why are you lingering?”

“But I have not yet fulfilled my obligation,” replied the maggid. “In Bava Metzia 30 we find that each visitor to a sick person takes away one sixtieth of the sickness. So I need to remain here until you donate a sixtieth of your wealth to a worthy cause!”

There words spoken in a warm manner made such a good impression on the wealthy man that he gave a large donation for the first time in anyone’s living memory!¹ ■

1. אוצר שיחות צדיקים ע' רכ"ה

