



OVERVIEW DAF 10

Section 1: Picking Up a Found Item for Another Person

Ula's Answer to the Previous Question:

In our Mishnah, Shimon said BEFORE picking it up that he's picking it up for himself.

Proof from the Seifa (end): "If AFTER giving it to Reuven, he said 'I acquired it for myself first,' Reuven acquired it."

Question: Obviously he means he acquired it for himself first (when he picked it up)! Why say "first"?

Answer: This teaches that in the Reisha (beginning), he didn't need to say "first" because he said BEFORE picking it up that he picks it up for himself.

Rav Nachman disagrees: It says "first" only in the Seifa to teach that in the Reisha, even though he doesn't say "first" (that he intended it for himself when he picked it up), he acquires.

Rav Nachman and Rav Chisda's Rule:

If Shimon picked up a found item (Metzi'ah) for Reuven, Reuven does NOT acquire it.

Why? It's like someone who seizes property from a borrower for a creditor when this causes a loss to other creditors (who also wanted to seize it) - he doesn't acquire. Here too, other people would have wanted the found item.

Rava's Challenge:

From a Beraisa: A worker keeps found items he finds. This is only if the employer hired him for a PARTICULAR job (like "weed for me today").

But if he said "work for me today" (general work), the EMPLOYER gets it!

This proves someone CAN acquire for another person!

Rav Nachman's answer: A worker is different. His "Yad" (power of acquisition) is like his employer's Yad - he acquires FOR his employer.

Rava's Counter:

Rava: But Rav taught that a worker can QUIT his job in the middle! This shows he's not just a "Yad" (extension) of his employer!

Rav Nachman's response: Until he quits, his Yad IS like his employer's Yad.

He CAN quit because "to ME the children of Israel are slaves" (they're God's slaves) - they're not slaves to OTHER slaves.

R. Chiya bar Aba's Opinion:

If Shimon picked up a found item for Reuven, Reuven DOES acquire!

Question: But in the Mishnah, Reuven doesn't acquire!

R. Chiya bar Aba's answer: In the Mishnah, Reuven asked Shimon to GIVE it to him. He never asked him to ACQUIRE it for him. There's a difference!

Section 2: The Four Amos Rule

The Mishnah:

Reuven saw a found item and fell on it. Shimon grabbed it. Shimon keeps it.

Reish Lakish's teaching: In EVERY place, the four Amos (cubits - about 6-8 feet) around a person acquire for him.

Why? The rabbis made this rule to avoid fights over found items.

Question #1 - From Pe'ah:

Mishnah about Pe'ah: If Levi took some Pe'ah and threw it on the rest, this doesn't work. If he fell on it or threw his garment on it, others may take the Pe'ah from him. Same for forgotten sheaves (Shichechah).

Problem: If the four Amos around a person acquire for him, he should keep what he fell on!

Three Answers:

Answer #1: He didn't SAY that his four Amos should acquire for him.

Problem: If the rabbis made a rule, he shouldn't need to say anything!

Answer #2 (Abaye): By falling on it, he shows he wants to acquire BY FALLING, not through his four Amos.

Answer #3 (Rav Papa): The rabbis made the four Amos rule in PUBLIC areas, not in a PRIVATE field.

Even though the Torah allows poor people to enter the field for Pe'ah, that's only to TAKE the Pe'ah - it's not considered THEIR field.

Question #2 - From Our Mishnah:

Mishnah: Reuven saw a found item and fell on it. Shimon grabbed it. Shimon keeps it.

Problem: If the four Amos acquire, he should keep what he fell on!

Three Answers (Same as Before):

Answer #1: He didn't say his four Amos should acquire.

Problem: If the rabbis made a rule, he shouldn't need to say anything!

Answer #2: By falling on it, he shows he wants to acquire by falling, not through his four Amos.

Answer #3 (Rav Sheshes): The rabbis made the four Amos rule only in a **Simta** (a corner next to public areas where people make deals), where it's not so crowded - but NOT in the main road.

Problem with Rav Sheshes:

Question: But Reish Lakish said in EVERY place!

Answer: "Every place" means to INCLUDE the SIDES of public areas.

Section 3: Acquisition Through One's Courtyard (Chatzer)

The Dispute:

Reish Lakish: A minor girl does NOT acquire through her Chatzer (courtyard) or through her four Amos.

R. Yochanan: She DOES acquire through her Chatzer and her four Amos.

What's the argument about?

Two Explanations:

R. Yochanan's logic: The Torah teaches that a Chatzer acquires like one's HAND. Just like she has a hand (to acquire a divorce document - Get), she has a Chatzer!

Reish Lakish's logic: The Torah says a Chatzer acquires like a person's AGENT (Shali'ach). Just like an agent doesn't acquire for her (minors can't appoint agents), her Chatzer doesn't acquire for her.

Problem with Reish Lakish:

Question: Does anyone really hold that a Chatzer acquires like an agent?!

From a Beraisa: A thief is liable if the stolen object "is found in his hand." Where do we learn to include his roof, Chatzer, or storage area?

Answer: The doubled verb "Himatzei Simatzei" (found, found) includes them.

Problem: If they acquire like agents, they'd be agents for a sin! We hold "Ein Shali'ach l'Dvar Aveirah" - there's no agency for sin!

Two Solutions:

Answer #1 (Ravina): "No agency for sin" only applies when the AGENT is liable for the sin. A Chatzer isn't liable,

so it CAN be an agent for sin, and the PERSON is liable for what the Chatzer acquires.

Question: If so, if Reuven told a married woman or a slave to steal, is Reuven liable because THEY'RE exempt?!

Answer: Women and slaves ARE liable, they just can't pay NOW. If the slave is freed or the woman is divorced, they must pay.

Answer #2 (Rav Sama): "No agency for sin" only applies when the agent can CHOOSE whether to obey. A Chatzer has NO choice, so it IS an agent, and the person is liable.

What's the Difference?

They disagree about:

- A Kohen (priest) who told a regular person "marry a divorcee for me" (forbidden for Kohen)
- A man who told a woman "cut a boy's sideburns for me" (forbidden for men)

Rav Sama: Since they can choose, he EXEMPTS the one who told them (Meshale'ach).

Ravina: Since they're not liable for these actions, he OBLIGATES the one who told them.

Problem with R. Yochanan:

Question: Does anyone really hold that a Chatzer doesn't acquire like a person's hand?!

From a Beraisa: It says "(he will give a Get) in her hand." Where do we learn to include her roof, Chatzer, or storage area?

Answer: "And he will give" (written before "her hand") suggests he can put it in other places too.

Bottom Line: This section explores when you can acquire items for other people, the "four Amos" rule that makes the space around you acquire things for you, and whether a courtyard (Chatzer) works like your hand or like an agent.