



OVERVIEW DAF 12

Section 1: When a Field Acquires

Answer #2 (Rav Ashi):

The Torah says a Chatzer acquires like a person's HAND, but it can ALSO acquire like an AGENT (Shali'ach):

For a Get (divorce):

- It's DISADVANTAGEOUS for her (she might not want the divorce)
- Something disadvantageous can only be done IN FRONT of the person it harms

For a gift:

- It's ADVANTAGEOUS
- Something advantageous can be done for a person in their ABSENCE

Rava's Question:

If someone threw a wallet through a Chatzer (courtyard), and it LEFT the Chatzer before landing:

- **Rashi:** He made it Hefker (free)
- **Tosfos:** He intended to give it as a gift

Question: Does being suspended in the AIR, in a space where the object won't land, count as if it's resting on the ground?

Rav Papa's Answer:

From the Mishnah: If Reuven saw people chasing a lost item in his field...

R. Yirmiyah: This only works if you could chase and catch it.

R. Yirmiyah's question: What about a gift?

R. Aba bar Kahana: Regarding a gift, even if you can't catch it, the field acquires!

This suggests that being in the air over the property counts!

Rava's rejection: Something moving on the GROUND is different. Clearly, it's considered to be resting.

Section 2: What Minors Find

The Mishnah:

Reuven receives found items (Metzi'os) discovered by:

- His SMALL (minor) sons and daughters
- His male and female Canaanite slaves
- His wife

His BIG (adult) sons or daughters, Israelite slaves, or ex-wife (even if he hasn't paid her Ketubah yet) - they KEEP what they find.

Shmuel's Question and Answer:

Question: Why did the rabbis say Reuven receives his minor son's finds?

Answer: When the minor finds it, he immediately brings it to his father (he picked it up intending to give it to his father).

Inference: This shows Shmuel holds that a minor CANNOT acquire from the Torah!

Challenge to Shmuel:

From a Beraisa: If Reuven (a rich man) was hired to harvest, his son may walk after him and take Leket (fallen grain left for the poor).

But if Reuven receives a percentage of the harvest (he's a partner), his son may NOT take Leket.

R. Yosi says: In either case his wife and children may take Leket after him.

Shmuel ruled: The law follows R. Yosi.

Problem:

- If a minor CAN acquire → This is permitted because the child acquires for himself, then gives to his father
- If a minor CANNOT acquire → He's taking for his father, who is RICH! This should be forbidden!

Three Answers:

Answer #1: Shmuel explained the Mishnah's author, but Shmuel himself rules like R. Yosi.

Objection: But R. Yosi ALSO holds a minor cannot acquire from the Torah!

Proof from a Mishnah: To promote peace (Shalom), it's considered stealing to take a found item from a child, lunatic, or deaf-mute.

R. Yosi says: It's absolute theft!

Rav Chisda explains: It's absolute theft from RABBINICAL law. They argue about whether court FORCES you to return it:

- **R. Yosi:** Court forces you
- **Chachamim:** Court doesn't force you

Answer #2 (Abaye): R. Yosi agrees that from the Torah, minors can't acquire.

He permits a worker's children to take Leket because the poor people GIVE UP on it (despair), just like they give up after "Nemushos" (old people with canes, or the second wave of collectors) pass. They assume the worker's children will take it all.

Objection (Rav Ada bar Masnah): You can't FORCE poor people to give up what they're entitled to!

Answer #3 (Rava): Even though minors can't acquire from the Torah, the rabbis made a rule allowing them to collect AS IF they can acquire.

Why? The poor are happy with this law because when THEY are hired, THEIR children can collect after them!

R. Chiya bar Aba's Disagreement with Shmuel:

R. Chiya bar Aba: "Small" and "big" in the Mishnah don't mean minor and adult!

Rather:

- **"Small"** = Any child FED by his father
- **"Big"** = Any child who FEEDS himself

Section 3: Found Items of Slaves

The Mishnah:

What Israelite male and female slaves find, they KEEP.

Question: Their law should be like workers!

From a Beraisa: A worker keeps what he finds - but only if hired for a PARTICULAR job (like "weed with me today").

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

Three Answers:

Answer #1 (R. Chiya bar Aba): The slave makes holes in pearls (very expensive work). The master doesn't want the slave stopping work to pick up found items. So the slave acted on his own - he must compensate his master for the time he stopped working.

Answer #2 (Rava): The slave picked it up WHILE working. Since his labor wasn't diminished at all, he keeps it.

Answer #3 (Rav Papa): The Beraisa discusses a worker hired specifically to PICK UP found items!

Question: Who would hire someone for that?

Answer: A river overflowed, taking many fish with it. The water dried up, leaving dead fish everywhere!

Question About the Female Slave (Amah):

What's the case of the Israelite female slave in the Mishnah?

Problems:

- If she grew two hairs (after 12 years - became a Na'arah), she's FREE!
- If she's still a minor:
 - If she has a father → HE gets her found items
 - If her father died → That FREES her!

Reish Lakish's teaching: A logical argument teaches that an Israelite female slave goes free if her father dies.

Answer: Reish Lakish was proven wrong (refuted).

Suggestion: Our Mishnah also proves Reish Lakish wrong!

Rejection: We could say her father is alive (and HE gets her found items). The Mishnah says "they belong to them" only to teach the master doesn't get them.

About the Ex-Wife:

Mishnah: What his ex-wife finds [she keeps]...

Question: Obviously she keeps what she finds!

Answer: The case is she's "divorced and not divorced" (doubtfully divorced).

R. Zeira: Wherever the teachers said "divorced and not divorced," her husband must feed her.

Normally, the rabbis made a rule that a man gets his wife's found items to avoid resentment. Here, resentment is PREFERABLE (so he'll divorce her completely)!

Chachamim say: Either way, don't return it because court will make him pay.

The Question:

What's the case?

If Shimon admits (he owes the money):

- If it HAS Achrayus, why NOT return it?

If he doesn't admit:

- If it has NO Achrayus, why should you return it?
- Granted, Reuven can't collect from land Shimon sold, but he CAN collect from Shimon's own property and money!

Answer #1:

Shimon DOES admit. We're worried the loan was given AFTER the date on the document.

Reuven could use the document to illegally collect property Shimon sold after the date but BEFORE the actual loan was given.

Question: If so, we should worry about this with ALL documents!

Answer: We only worry when something is wrong (like the document being lost).

Bottom Line: This section covers when fields acquire items, whether minors can legally acquire property, who gets items found by slaves and children, and the rules about returning found loan documents.

Section 4: A Found Document

The Mishnah:

R. Meir: If someone finds a loan document saying Reuven lent money to Shimon:

If it has Achrayus (puts a lien on Shimon's land):

- Don't return it (court will make Shimon pay)

If it has NO Achrayus:

- Return it (court won't make him pay)