



OVERVIEW DAF 7

Section 1: The Doubtful Cases

Question About Rav Nachman's Teaching:

Remember the Beraisa about doubtful animals being tithed? What are these "doubtful" animals?

First suggestion: They're doubtful firstborn animals (Safek Bechoros).

Rejection: The Torah says a firstborn "WILL BE" holy. If it's ALREADY holy (as a firstborn), it can't BECOME Ma'aser (the tenth animal)!

Answer: They're animals set aside to redeem doubtful firstborn DONKEYS.

Background: Every firstborn donkey belongs to a Kohen, but you can "redeem" it by giving the Kohen a sheep or goat instead.

Rav Nachman's rule: If a regular person has 10 doubtful firstborn donkeys, he sets aside 10 sheep or goats to redeem them, then tithes those sheep/goats. They all end up belonging to him!

Section 2: Can You Make Property Holy If You Don't Have It?

The Bathhouse Question Resolved:

Remember the case where two people fought over a bathhouse and one declared it holy?

Answer (R. Chiya bar Avin): If someone makes holy (Makdish) property that he CAN'T get through court, it does NOT become holy.

Inference: But if he CAN get it through court, he CAN make it holy, even BEFORE actually receiving it!

Problem with R. Yochanan's Teaching:

R. Yochanan taught: If property was stolen and the owner hasn't given up hope:

- The THIEF can't make it holy (because it's not his)
- The OWNER can't make it holy either (because it's not in his possession - even though he could get it back through court)!

This contradicts the inference above!

Answer: The bathhouse is LAND, not movable property. If someone can obtain LAND through court, it's considered as if it's already in their possession.

Section 3: How We Split the Garment

The Beraisa's Rule:

Rav Tachlifa bar Ma'arava teaching: If two people are holding a garment:

- Each person gets up to where they're holding
- They divide the REST evenly

R. Avahu gestured: They must also SWEAR!

- **Tosfos:** They swear to get anything at all
- **Rambam:** They swear to divide the rest

Understanding the Mishnah:

Question: The Mishnah says they "divide equally." It doesn't say "each gets what they're holding PLUS they divide the rest." What's going on?

Answer (Rav Papa): Each person is holding it by the FRINGES (the decorative strings at the edges). Since fringes don't count for much, they just split everything equally.

Application to "Kinyan Chalipin" (Symbolic Exchange):

Rav Mesharshiya's inference: If someone grabs three fingers' worth of a garment during a symbolic exchange, this counts as "giving to your neighbor" - he acquires it!

Why? Because we consider the garment to be "cut," and he owns what he's holding.

Question: How is this different from Rav Chisda's law about divorce?

Rav Chisda's teaching: If a man gives his wife a divorce document (Get) but he's still holding a string attached to it:

- She's ONLY divorced if he CAN'T pull it back from her
- If he can pull it back, they're still married!

Answer:

- **Divorce** requires "Kerisus" (complete separation). If he can retrieve it, he's still connected to her.
- **Chalipin** (symbolic exchange) just requires "giving." Once he gave it, that's done!

Rava's Teaching About a Golden Garment:

Rava: If they're holding a garment with gold in it, we divide it.

First response: Obviously!

Clarification: The gold is in the MIDDLE of the garment (not at the edges).

Second response: Still obvious!

Final clarification: The gold is closer to one person than the other!

You might think we cut the garment WIDTHWISE (horizontally, in the middle between where they're holding), giving the gold to the person closer to it.

Rava teaches: No! The person farther from the gold can suggest we cut it LENGTHWISE (vertically), so they each get half the gold.

Background: A lender and borrower are both holding a loan document. Each says "I dropped it!"

Rebbi: We validate the document (check that it's real).

R. Shimon ben Gamliel: They divide it.

Another case: If the document came to a judge, he never gives it back.

R. Yosi: It stays with whoever has it (Chazakah - possession).

Understanding Rebbi's Opinion:

Question: When Rebbi says "validate the document," does he mean the lender collects the FULL amount? Does he disagree with our Mishnah (which says divide)?

Rava's answer: If the document is ALREADY validated, everyone agrees they divide it.

They argue about an UNVALIDATED document:

Rebbi says: If a borrower admits a document was written for a real loan (but claims he paid it back), the lender must validate the document first. After validation, he collects HALF.

Why validate it? An invalid document is worthless. If we're only believing it because the borrower admits it was written, then he also gets to say "but I paid it!"

R. Shimon ben Gamliel says: If the borrower admits the document was written properly, the lender doesn't need to validate it. He just collects half.

The Judge's Role:

Question: Why does the Beraisa say if a document came to a judge, he never gives it back?

Rava's answer: The Beraisa means: If someone FINDS a document that had come to a judge (for a case), he never returns it.

What's the case? The document has been validated (so we know it's real and was given).

The teaching: Even though it's validated (so the loan definitely existed), we don't return it because maybe the loan was already paid!

Section 4: Two People Holding a Loan Document

The Dispute:

R. Yosi's Opinion - Contradiction:

R. Yosi says: "It remains in its Chazakah" (with whoever has possession).

This implies he's NOT worried it was paid.

Problem: But R. Yosi IS worried about payment!

Proof (Beraisa #2): If a Ketubah (marriage contract) is found in the market:

- If the husband admits his wife lost it → Return it to her
- If he doesn't admit → Don't return it to either of them

R. Yosi adds: If she's still married, return it to her. If she's widowed or divorced, don't return it to either.

This shows R. Yosi IS worried it was paid!

Three Solutions:

Answer #1A: We must SWITCH the opinions in Beraisa #1:

- R. Yosi really said "he never gives it back"
- The Chachamim said "it remains in its Chazakah"

Problem: Then the Chachamim contradict themselves!

Solution: R. Yosi taught ALL of Beraisa #2. It's abbreviated. Here's what it really means:

"If he doesn't admit, we don't return it to either - this is when she was widowed or divorced. But if she's still married, we return it to her, because R. Yosi says..."

Answer #2 (Rav Papa): We don't need to switch. In Beraisa #2, R. Yosi is arguing with the Chachamim:

R. Yosi says: "I say even if she's widowed or divorced, we don't suspect he paid. But YOU are concerned about this. At least YOU should admit that if she's still married, we return it to her, because the husband wouldn't pay her during the marriage!"

Chachamim respond: We're worried he gave her money to hold, so when she's entitled to her Ketubah later, she won't have trouble collecting it!

Answer #1B (Ravina): We do switch the opinions in Beraisa #1. In Beraisa #2:

- Chachamim are worried TWO Ketubahs might have been written (and she's trying to collect twice)
- R. Yosi isn't worried about this

Section 5: How to Split the Document

R. Elazar's Teaching:

In Beraisa #1, when R. Shimon ben Gamliel said they "divide equally," this only applies when:

- BOTH are holding the "Toref" (the specific information unique to this document), OR
- BOTH are holding the "Tofes" (the standard template text that's the same in all loan documents)

But if one holds the Toref and the other holds the Tofes: Each gets what they're holding!

R. Yochanan disagrees: They ALWAYS divide equally, even if one holds the Toref and one the Tofes.

Question Against R. Yochanan:

From a Beraisa: "Each gets what he's holding."

Answer: The case is when the Toref is in the MIDDLE (between where they're holding).

Follow-up question: Obviously he gets half then! How else could we divide it?

Answer: The Toref is closer to one person than the other. You might think we divide WIDTHWISE (so the person closer to the Toref gets it).

The Beraisa teaches: No! The person farther away can suggest dividing LENGTHWISE.

Practical Question:

Rav Acha mi'Difti asks: According to R. Elazar, one gets the Toref and the other gets the Tofes. What good are

these pieces by themselves? Will he use them to cork a bottle?!

Ravina's answer: A document WITH a date is worth more than one without (because you can use it to collect from land the borrower sold after borrowing).

The person holding the Toref (which includes the date) gets this extra value. The REST they split equally (since other vital information appears in both parts).

Support: Even when we say two people holding a garment "divide it," we mean the VALUE. If they actually CUT the garment, they'd ruin it!

Rejection: No, the two halves would be useful for children!

Bottom Line: This section deals with how to fairly divide disputed property - whether it's garments, loan documents, or bathhouses - and explores when property can be declared holy even before you physically possess it.