

## OVERVIEW of the Daf

### 1) Watching a lost object (cont.)

R' Yosef poses two unsuccessful challenges to Rabbah.

Rabbah presents two unsuccessful challenges to R' Yosef.

R' Yosef's assertion, made in defending his position, that an armed robber is classified as a thief (גנב) is unsuccessfully challenged.

A second unsuccessful challenge to R' Yosef's assertion that an armed robber is a thief is presented.

Proof from a Baraisa is suggested to R' Yosef's position that an armed robber is classified as a thief.

Three reasons this is not a proof are presented.

### 2) Paying for benefit

Rav asserts that the Mishnah's ruling that the animal's owner pays for his benefit is limited to the benefit he had from the produce breaking the animal's fall.

It is noted that this seems to indicate that the animal owner does not have to pay for what his animal eats.

The Gemara suggests connecting this ruling with an earlier ruling of Rav but this analogy is rejected. ■

## REVIEW and Remember

1. When is it more common for a person to see something returned to his yard; in the morning or the afternoon?
2. Is it necessary for the owner to be aware when something is returned to him?
3. Who collects כפל if a watchman chose to pay when an animal was stolen rather than take an oath?
4. Why does the Gemara reject the parallel between Rav's explanation of the Mishnah and his ruling היה לה שלא תאכל?

## Distinctive INSIGHT

*Guarding an animal that has developed a tendency to run away*

דכיון דנקטי להו ניגרא ברייתא בעי נטירותא יתירתא

The lesson of this Gemara is that once an animal has ever run away from its owner, that animal has tasted its freedom and has taught itself to run away again. The animal's tendency to escape and run away in the future is now to be expected and anticipated, and guarding that animal requires an added measure of care. Anything less than a full measure of caution to prevent this animal from subsequent attempts to escape would be inadequate on the part of whoever is responsible for the animal.

Pnei Yehoshua notes that the Gemara (earlier 55b) stated that the Torah only expects a person to exercise minimal caution (שמירה פחותה) to guard that his animal does not run into another's property and cause damage of רגל or שן. Once the owner has closed the door to the corral, for example, he is exempt if the animal then escapes and does damage. Are we forced now to say that this is only true regarding animals which have never wandered away from their environs even once? Would these wandering animals require an added measure of supervision (שמירה מעולה)? It seems very difficult to say that this would be the case, as we do not find the poskim mentioning reference to any such distinction between the care necessary to guard against the animal's tendency to cause damage of רגל and שן.

Pnei Yehoshua explains that, in fact, the Torah does not make any such distinction, and simple guarding of one's animal not to do the damage of רגל or שן is always adequate. The proof for this is that the Torah does not differentiate between תם and מועד for שן or רגל. If the animal damages, the animal is immediately a מועד and full payment must be made. This is also the case regarding the damage of קרן after it has graduated to be a מועד, where all that is necessary is שמירה פחותה, and where full payment is due if the animal nonetheless damages. ■

## HALACHAH Highlight

### Collecting tzedaka while others are engaged in a mitzvah

נגנבה או אבדה חייב באחריותה

If it is stolen or lost he is responsible for it [like a paid watchman]

The Gemara continues discussing R' Yosef's opinion that one who is watching a lost object is considered a paid watchman on account of the benefit of not having to give tzedaka to a poor person while he is watching the lost object. Rav Moshe Shternbuch<sup>1</sup> infers from our Gemara that one is not obligated to give money to a poor person who is collecting money during davening since the one who is davening is already occupied with a mitzvah and thus exempt from the mitzvah of tzedaka. He then takes note of the fact that there are Poskim who maintain that there is a difference between one who is occupied with an interpersonal mitzvah (בין אדם לחבירו) and one who is involved in a mitzvah that is not interpersonal (בין אדם למקום). According to this approach one is exempt from performing an interpersonal mitzvah that presents itself only when he is already involved in an interpersonal mitzvah but one who is involved in a mitzvah between man and G-d is obligated to interrupt that mitzvah to help his friend. Accordingly, one would be obligated to interrupt

davening in order to give tzedaka to a poor person who asks for assistance. He notes, however, that it strikes him as strange that an interpersonal mitzvah is treated more stringently than a mitzvah between man and G-d and his conclusion is that during pesukei d'zimra one should interrupt to give tzedaka but during krias shema one should not interrupt and the custom is to interrupt during Birchos Krias Shema.

Rav Shmuel Halevi Wosner<sup>2</sup> discusses the practice of collecting tzedaka while a kollel is in session. He writes that although the mitzvah of tzedaka is so great that it cannot be measured, nevertheless, the money should not be collected during seder when it will interrupt the continuity of their learning, unless the money is needed at that moment. It is clear that one is obligated to interrupt his learning in order to perform a mitzvah that presents itself and even kollel fellows should give tzedaka when it is needed, nonetheless, this is not considered a mitzvah that presents itself while they are learning. The reason collectors come at that time is that they know that during seder they will find the greatest number of people in the Beis Midrash but since the avreichim would be willing to give before or after seder they should not be interrupted while learning. ■

1. שו"ת תשובות והנהגות ח"ג סי' רפ"ז

2. שו"ת שבט הלוי ח"י סי' קנ"ז ■

## STORIES Off the Daf

### Restoring that which was lost

לעולם הוא חייב עד שיחזירנה לרשותו

Today's daf discusses the halachos of returning a lost object.

Returning a lost object can be a very time-consuming project. A certain very busy person once found a valuable object that was almost certainly owned by a Jew. Since he lived in Israel, he was quite certain that he had a halachic obligation to contact the owner and inform him that the object had been found.

He left a sign in the area where he

had originally found the object and, sure enough, he received a call from a man claiming to be the owner. The man provided very clear simanim and requested that the finder drop it off near where he had found it. Since this was very inconvenient for the one who had found the object, he requested that the owner come get it from him. The object's owner answered, "You live in a very inconvenient place. For my part, you can hold on to it until I have a chance to get it."

The finder was a bit upset at this laid-back attitude. The object took up space he required for other purposes. He decided to bring the bulky object

to the owner but wished to charge him for the time this would take, and he wondered if this was halachically permissible.

He consulted with Rav Moshe Sternbuch, shlit"a, regarding this question. "The Chazon Ish, zt"l, rules that one who finds a lost object must merely tell the owner that he has the object. He need not return it to the owner. Since he is going beyond his halachic obligation to return it, he can insist upon a fair wage for this service. He is just like any other messenger!"<sup>1</sup> ■

1. תשובות והנהגות חלק ג' חו"מ סי' תס"ג

