



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Ches

- **Rami bar Chama** said, we can learn from our Mishna that if a person picks up a found item with the intent that another person should be koneh it, the other person is koneh it. This must be, because if not, then in the Mishna since neither of them lifted the entire item it should be considered as if the side they did not lift is considered to be still lying on the floor and neither of them should be koneh. Rather, we can see from here that when one lifts a found item so that another person should be koneh, the other person is koneh. **Rava** said this is no proof. It may be that one cannot be koneh a found item for another person. The reason it works in the Mishna is because since ("miguy") the person is koneh for himself, he is also koneh for the other person. This can be proven from the following. If a person tells a shaliach to steal for him, the sender will be patur. If partners decide to steal together and one of them physically does the act of stealing, both are chayuv. Presumably the reason for this is that since he is koneh for himself, he can also be koneh for his partner.
 - **Rava** said, based on this miguy, if a deaf-mute (cheireish) and a healthy person pick up a found item together, since the cheireish is koneh the healthy person is koneh as well.
 - **Q:** It makes sense that the cheireish is koneh, because a competent person is picking it up on his behalf. However, why is the competent person koneh? **A:** We must say that he meant to say that the cheireish is koneh, but the competent person is not koneh.
 - **Q:** If only the cheireish is koneh, what is the miguy that **Rava** referred to? **A:** Miguy that if two deaf-mutes would lift an item together they would be koneh, therefore if the deaf-mute and a competent person lift it together he will also be koneh.
 - **Q:** We can only say that a person can be koneh for someone else when he intends to do so. In this case, since the competent person is not being koneh for himself, he surely does not intend to be koneh for the cheireish!? **A:** We must say that **Rava** meant, since the competent person is not koneh, the cheireish is also not koneh.
 - **Q:** Why is it that the **Rabanan** enacted that when 2 deaf-mutes lift an item they are koneh, but when a cheireish and a competent person lift it they are not koneh? **A:** When two deaf-mutes lift it, if we would tell them they are not koneh they would argue for being treated differently than competent people. When it is a cheireish and a competent person, the cheireish will not argue, because the competent person is not being koneh so it makes sense that he should not be koneh either.
 - **Q: R' Acha the son of R' Adda** asked **R' Ashi**, from what part of the Mishna does **Rami bar Chama** mean to bring a proof? It can't be from the first case, because in that case they each claim to have lifted the entire talis for themselves, and not for the other!? **A:** It must be from the extra case in the Mishna where each of them said, "it is all mine".
 - **Q:** We have explained that this extra case is discussing a case of a purchase!? **A:** Rather, it is from the case of where one said it is all mine and the other said half of it is mine. This case seems to be extra, and is given to teach that if one lifts a found item for someone else, the other person is koneh.
 - **Q:** Maybe this case is referring to a purchase, and not to a found item!? **A:** Rather it must be from the case of the two people who come to Beis Din riding on the animal, each claiming that it is his. This case seems to be extra, and is given to teach that if one lifts a found item for someone else, the other person is koneh.

- **Q:** Maybe it is coming to teach that riding an animal is a form of kinyan? **A:** It must be from the last case of the Mishna, which says that if they both admit, or there are witnesses, that they picked it up together, they divide it without swearing. Now, if this is discussing a purchase, this result would be obvious. Rather, it must be referring to a case of a found item, and teaches that if one lifts a found item for someone else, the other person is koneh.
- **Rava** would say this is no proof, because the reason it works in the Mishna is only because miguy he is koneh for himself, he can also be koneh for another person.

HAYU SHNAYIM ROCHVIN

- **R' Yosef** said that **R' Yehuda** told him, I have heard two things from **Shmuel**, one regarding a rider on an animal, and one regarding one leading an animal. Regarding one he said he was koneh and regarding the other he said he was not, but I do not remember which one is koneh and which one is not.
 - **Q:** What was the case of **Shmuel**? If he spoke about a case of one riding an animal and a separate case of one leading an animal, then surely the one leading the animal would be koneh, because all would agree to that. If he said one is not koneh, we would have to say that someone riding an animal (e.g. a found animal) is not koneh, and **R' Yehuda** should have realized this simple difference!? **A:** **R' Yehuda** was unsure in the case where one person rode the animal and another lead the animal. On the one hand the rider is stronger, because he is physically grabbing the animal, or maybe the one leading the animal is stronger, because he is the one that makes the animal move (which makes the kinyan).
 - **R' Yosef** said, **R' Yehuda** tried to answer from a Mishna. A Mishna says, if one leads animals that are kilayim, he gets malkus. Also, if one sits in a wagon attached to animals that are kilayim, he gets malkus, but **R' Meir** says he is patur. Now, from the fact that **Shmuel** reverses the shitos and says it is the **Rabanan** who say the person is patur, it must be that he holds that a rider is not koneh, and certainly a rider who rides while another person leads would not be koneh.
 - **Abaye** asked **R' Yosef**, you have told us this proof without mentioning that it was said by **R' Yehuda**!? **R' Yosef** said, I now remember that he told it to me. In fact, I remember asking him, how do you compare a case of one sitting in a wagon to one sitting on the actual animal? The one sitting on the animal is holding onto the bridle, and maybe that is why he would be koneh? **R' Yehuda** said, **Rav and Shmuel** both say that holding the bridle does not create a kinyan.
 - **Others** say that **Abaye** asked the question of how the cases can be compared, and **R' Yosef** answered that **Idi** said holding a bridle does not create a kinyan.
 - We have also learned that **R' Chelbo in the name of R' Huna** said, taking hold of the bridle acts as a kinyan when being koneh from another person, but not when being koneh a found item or from hefker (like the possessions of a ger who died without heirs).
 - The word for bridle is "moseirah". **Rava** said, **Idi** explained this comes from the word "giving over" ("moser"), as one gives something over to another. This is why it only creates a kinyan when being koneh from someone else (there is someone to "give it over"), but not when being koneh from hefker.
 - **Q:** The Mishna said that when two people are riding an animal they divide it. We see that riders are koneh the animal!? The Mishna can't be **R' Meir**, because he says even sitting in a wagon will be koneh, so riding it would be obvious!? Rather, it must be the **Rabanan**, and we see that they hold that riding a found animal is koneh it!? **A:** The case is that they kicked the animal and caused it to move, at which time they are koneh it with meshicha.
 - **Q:** That is simply the case of leading an animal!? **A:** The Mishna is teaching regarding two types of leading an animal. We would think that riding is a better

kinyan, because he is leading the animal and grabbing onto it. The Mishna therefore teaches that they are equally as effective.