



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

Bava Metzia Daf Tes

- **Q: R' Yehuda** had said that riding an animal does not make a kinyan. Maybe we can bring a proof from a Braisa. The Braisa says, if 2 people were pulling a camel, or leading a donkey, or one was pulling and one was leading, in this way they are koneh. **R' Yehuda** says a kinyan on a camel can only be made with pulling and on a donkey with leading. Now, the Braisa seems to clearly say that only leading and pulling can make a kinyan, but riding would not be able to make a kinyan. This is a proof to **R' Yehuda!** **A:** It may be that riding can also create a kinyan. The reason the Braisa specifies pulling and leading is to exclude the view of **R' Yehuda**, who says that pulling only works for a camel and leading for a donkey.
 - **Q:** If so, why didn't the Braisa list them both in one case – if 2 people were leading or pulling a camel or a donkey they are koneh it? **A:** There is one circumstance in which the person would not be koneh. Some say it is pulling a donkey, and some say it is leading a camel.
 - **Others** say the proof was meant to be from the end of the Braisa where it says “in this way they are koneh”, which seems to exclude one who rides an animal from being koneh. The Gemara says this is no proof, because it could mean to exclude the reverse (where one pulls the donkey or leads the camel).
 - **Q:** If that is true, the T”K would be saying the same thing as **R' Yehuda!**? **A:** The difference between them would be in one set of circumstances. Some say it is pulling a donkey, and some say it is leading a camel.
- **Q:** A Braisa says, if two people come to Beis Din, one riding a donkey and the other holding the bridle, this one is koneh the animal and the other is koneh the bridle. We see that riding an animal is a kinyan!? **A:** The Braisa is referring to where he kicks the animal with his feet to make it move.
 - **Q:** If so, the rider should be koneh a share of the bridle as well? **A:** The Braisa should be understood as saying that the rider is koneh the animal and half the bridle and the other person is koneh half the bridle.
 - **Q:** The rider is koneh the bridle because a competent person is lifting the other side of it. However, how is the other person koneh? No one lifted the bridle on the other end!? **A:** We must understand the Braisa as saying, the rider is koneh the animal and all of the bridle, and the other person is only koneh what is grabbed in his hand.
 - **Q:** The other person does not intend to be koneh for the rider, since he himself is not koneh, so how is the rider koneh the bridle? **A: R' Ashi** said, the rider is koneh the animal and the part of the bridle that goes around the head. The other person is koneh what is grabbed in his hand. Neither of them are koneh the remaining parts.
 - **R' Avahu** said, the other person could be koneh the entire bridle even though it was not lifted for him, since he is able to pull the bridle and bring it to him.
 - The Gemara says this is a mistake. If we say like **R' Avahu**, it would result that if a talis is lying partially on the ground and partially on a platform, and a person lifted the part from the ground and someone else came and lifted the other part off the platform, only the person who lifted the part from the ground would be koneh, and we know that is not the case. Rather, we must say that **R' Avahu's** ruling is incorrect.
- **Q:** A Braisa says, **R' Eliezer** says, if a person rides a found animal in the fields or leads it in the city, he is koneh. We see that riding is koneh!? **A:** The Braisa is referring to where he kicks the animal with his feet to make it move.
 - **Q:** If so, that is just another case of leading!? **A:** The Braisa discusses two types of leading.

- **Q:** If so, why is he not koneh when he rides in the city? **A: R' Kahana** said, because people do not usually ride in the city.
 - **Q: R' Ashi** asked, if someone picks up a wallet on Shabbos, do we say that since it is not usual to do so he is not koneh? Of course not. We say that he is still koneh. The same should be here!? **A:** When the Braisa says he is not koneh by riding in the city, it is referring to a case of a purchase, where the seller told the buyer "be koneh in the way that people are normally koneh the animal".
 - The Gemara says, if it was done in a reshus harabim he is koneh by riding. Also, if the buyer is a distinguished person, he would be koneh. Also, if the buyer is a woman, she would be koneh (in all these cases it is normal to ride even in the city). Finally, if the buyer is a person with little tznius, who doesn't care what people think and therefore rides in the city, he would also be koneh.
- **Q: R' Elazar** asked, if a person tells someone to do a meshicha on an animal in order to be koneh the keilim that are on the animal, is he koneh the keilim? Does the meshicha for an animal work to act as the meshicha for keilim?
 - **Q: Rava** asked, **R' Elazar** seems to be sure that if he was selling the animal along with the keilim the meshicha done on the animal would be sufficient. However, that would seem not to be correct. The animal is a "moving chatzer", and as such cannot act as a chatzer to be koneh the keilim!? This would be true even if it happens to be standing still, since it has the ability to move!? **A:** The case would be where the animal was tied up, and therefore unable to move.
 - **Q: R' Pappa and R' Huna the son of R' Yehoshua** asked **Rava**, based on what you are saying, if a boat is at sea and a fish jumps onto it the owner should not be koneh the fish, because the boat is a moving chatzer!? **A: Rava** said, the boat doesn't move, it is the water that makes it move, and that is why it can act as a chatzer.
 - **Q: Ravina** asked **R' Ashi**, based on this halacha, if a woman is walking in the reshus harabim and her husband threw a get to her, which landed in her lap or in her basket, she should not be divorced, because she is a moving chatzer!? **A: R' Ashi** said, her basket doesn't move, it is her that moves the basket, and that is why it can act as her chatzer.

MISHNA

- If a person was riding on an animal and saw a lost item, and asked someone to hand it to him, and this second person picked it up and said "I am being koneh it for myself", he is koneh it. However, if he gave it to the first person and then said "I was koneh it for myself", he has said nothing (we don't listen to his claim and the first person may keep it).

GEMARA

- A Mishna says, if someone takes peyah from a field on behalf of a certain poor man, **R' Eliezer** says that poor man is koneh, and the **Chachomim** say the one who took the peyah must give the peyah to the first poor man that he sees.
 - **Ulla in the name of R' Yehoshua ben Levi** explained that the machlokes is where a wealthy person is the one who took the peyah. **R' Eliezer** says, miguy that he can be mafkir all his possessions and then be allowed to take peyah for himself, and miguy that he can take for himself he can also take for someone else. The **Rabanan** say, we can only say one miguy, not two. However, **Ulla** says, if one poor person took to be koneh for another poor person, all would agree that the second poor person would be koneh, because since he can take for himself he can also take for someone else.
 - **Q: R' Nachman** asked **Ulla**, why don't you say that the machlokes is even when a poor person picked it up for another poor person (and the machlokes would be whether we even say one miguy – that since he can take for himself he can also take for somebody else)? For, with regard to a found item all have equal rights to it (whether wealthy or poor), and yet our Mishna says that when the second person said he wants to be koneh it for himself (presumably after having already picked it up for the person riding on the animal), he is koneh it for himself, and we see that his lifting it was not koneh it for the

first person. Now, if we say that the machlokes is whether we would say one miguy, we can say that our Mishna follows the **Rabanan**. However, if we say that even the **Rabanan** agree that we do say one miguy, our Mishna would seem not to follow anybody!?

A: Ulla said, the Mishna is discussing where the person picking up the item said "I was koneh it for myself first" (i.e. he says he never intended to pick it up for the person on the animal), and that is why he is koneh it for himself.