



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

### Shavuos Daf Mem Daled

- **Q:** The Gemara quoted the view of **Shmuel**, that if someone lent 1,000 zuz and took the handle of a sickle as collateral and then lost the collateral, he loses his 1,000 zuz. However, if he took two sickle handles as collateral and lost one of them, we don't say that he loses 500 zuz. Maybe we can say that this is the subject of a machlokes among Tanna'im? A Braisa says, if someone lent money and took collateral and lost the item of collateral, **R' Eliezer** says he swears that he was not negligent and still gets paid for the loan. **R' Akiva** says the borrower can insist that the loan be netted against the collateral. If the loan was recorded in a document and collateral was given for it, all would agree that the loan would be netted against the collateral if it is lost. Now, what is the case in which they argue? If the collateral is equal to the value of the loan, why would **R' Eliezer** say that he still gets paid for the loan!? Rather, it must be that the collateral is not equal to the value of the loan, and they argue in the halacha of **Shmuel**! **A:** It may be that when the collateral doesn't equal the loan all would argue with **Shmuel**. The machlokes may be in a case where the collateral is equal to the loan, and they argue in the halacha of **R' Yitzchak**, who says that the lender becomes the legal owner of the collateral. **R' Akiva** agrees with this, and therefore says that when the collateral is lost, it is the lender who must bear the loss, and **R' Eliezer** disagrees with **R' Yitzchak**, and therefore says that it is the borrower who must bear the loss.
  - **Q:** This can't be the machlokes, because **R' Yitzchak** only refers to collateral taken at a time other than at the time of the loan, whereas **R' Akiva** and **R' Eliezer** refer to collateral taken at the time of the loan!? **A:** Rather, we can say that when the collateral is taken at a time other than when the loan is given, all would agree with **R' Yitzchak**. The machlokes here is where the collateral was given at the time of the loan, and since the lender has come into possession of the collateral through a mitzvah (lending money is a mitzvah) and is therefore like a shomer aveida, the machlokes is what status a shomer aveida is given – **Rabbah** says he has the status of a shomer chinam, and **R' Yosef** says he is like a shomer sachar. **R' Eliezer** would hold like **Rabbah**, and **R' Akiva** would hold like **R' Yosef**.
    - **Q:** Based on this, should we say that **R' Yosef's** view is subject to a machlokes among Tanna'im? **A:** It may be that all would agree with **R' Yosef** regarding a shomer aveida. However, the Braisa is talking about a lender who needs to use the collateral (and reduce the debt). **R' Akiva** holds he is still doing a mitzvah by lending money, and is therefore a shomer sachar like a shomer aveida. **R' Eliezer** holds he lent money for his own personal benefit (to use the collateral), and therefore he is considered to be a shomer chinam.
  - **Q:** Maybe we can say that the halacha of **Shmuel** is actually a machlokes among Tanna'im. A Braisa says, if one lent money and received collateral and shmitta then arrived, **R' Shimon ben Gamliel** said, even if the value of the collateral is less than the loan, the loan is not cancelled. **R' Yehuda Hanasi** says, if the collateral is equal in value to the loan, it is not cancelled. If it is less, it is cancelled. Now, what part of the loan is **R' Shimon** saying is not cancelled and **R' Yehuda** is saying is cancelled? It can't be referring only up to the value of the collateral, because that would mean that **R' Yehuda** holds that even that is cancelled. If so, according to him, what is the purpose of taking collateral altogether!? Rather, it must be referring to the part of the loan beyond the value of the collateral and we can say that the machlokes is that **R' Shimon** holds like **Shmuel**, that the collateral represents the entire loan, whereas **R' Yehuda** says it only effects up to its value! **A:** It may be that **R' Shimon** means that the part of the loan equal to the collateral is not cancelled, which would mean that **R' Yehuda** holds that even that

part of the loan is cancelled. The reason is, **R' Yehuda** holds that when collateral for less than the value of the loan is taken, it is not meant to be viewed as payment. Rather, it is given as a reminder that payment must be made.

**HADRAN ALACH PEREK SHVUAS HADAYANIN!**