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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. If Reuven owes Shimon money, and Levi owes Reuven money, it is possible for Beis Din to have Shimon collect money directly from Levi.

One might think that Levi can say that he never owed Shimon any money. Therefore, why should he have to pay Shimon? He'll deal with Reuven! Rabbi Nasan quotes the passuk stating that “v'nasan l'asher asham lo” -- “he will give to the one who he is guilty to.” It would seem that the Torah should have said “to the one that he borrowed from.” Why use the word “asham” – “guilty?” Rabbi Nasan derives that asham here does not mean “guilty,” but rather “principle.” This teaches us that a borrower may have to pay back to someone who is owed the principle of the loan, even if it is not the lender (but rather someone whom the lender borrowed from and for some reason is not paying back). (31a)

2. Chametz taken as collateral for a loan from a non-Jewish borrower can be benefited from if it was in the possession of the Jewish lender on Pesach. If the same case would occur with a non-Jewish lender and a Jewish borrower, one would be forbidden from deriving benefit from the chametz after Pesach.

The Gemara explains that this is the explanation of the Mishna (30b). The Gemara explains that we learn

that a Jew who takes collateral from another Jew is considered as acquiring the collateral even before the borrower defaults. This is why the passuk states that he is giving “tzedakah” – “charity” if he gives the borrower his collateral to use from time to time when he needs it. The Gemara points out that a non-Jew does not acquire collateral given to him from a Jew, and a Jew does not acquire collateral given to him by a non-Jew. Accordingly, the chametz given as collateral is treated as still in the possession of the borrower, resulting in the statement above made by the Mishna. (31a – 31b)

3. The owner of a store's chametz on Pesach determines whether the chametz will be permitted after Pesach or forbidden.

The Beraisa states that if a Jew owned a store and the chametz is sold in the store on Pesach, even if he had non-Jewish workers, his chametz cannot be benefited from, and certainly not eaten, after Pesach. However, if a non-Jew owned a store and the chametz sold in the store on Pesach, even if he had Jewish workers his chametz may be benefited from, and even eaten, after Pesach. (31b)

4. If a pile of rubble fell on chametz, it is considered destroyed. The pile must be three tefachim (handsbreaths) deep.



The Mishna states that if a pile of rubble fell on chametz, it is considered destroyed. Rabban Shimon ben Gamliel says that any pile that would prevent a dog from finding the chametz causes it to be considered destroyed. The Gemora explains that this means the pile must be three tefachim (handsbreaths) deep. [The Rambam in Pirush Ha'Mishnayos explains that Rabban Shimon is not arguing, but merely explaining the words of the Tanna Kamma (see also Sfas Emes here).] However, the Gemora still mandates that one perform bitul (nullification) on this chametz. (31b)

5. When someone is given money to watch, he must bury it in the ground or is deemed not to have watched it properly.

This law is stated by Shmuel. Rafram bar Papa explains that the money must be buried one tefach (handbreath) underground, in order that people should not be able to see it. Nowadays that it is not normal to bury money, it must merely be placed somewhere that is deemed safe (see Nesivos Ha'Mishpat 291:25). (31b)

INSIGHTS TO THE DAF

How to Watch an Item

The Gemora explained that Shmuel's law does not apply today. Money today must be placed in a safe

place, and does not have to be buried in the ground. What constitutes a safe place?

One qualification of a safe place is that it has to be a place where the guardian ensures that strangers do not enter alone with the object.

The Shimru Mishpat (ch. 59) discusses a case where a person who wanted to purchase a Megillah Esther gave it to his Rabbi, who was knowledgeable in knowing whether or not the Megillah was written properly and was being sold for its true value. The Rabbi put the Megillah in his dining room. When the Rabbi was home alone, a person knocked on his door and asked him for some charity. The Rabbi went into his bedroom to seek some change, and when he came back he noticed that both the person and the Megillah were gone.

The Shimru Mishpat rules that the Rabbi is obligated to pay for the Megillah, as he did not ensure that the Megillah was in a safe place. Being that he did not ensure it was in a safe place, the Megillah is not deemed stolen, but rather that the Rabbi caused it to be stolen due to his negligence in guarding the Megillah. As Rashi here points out, negligence is something which obligates anyone watching an object to pay for it (see article *ibid.* at length).