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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Flying vs. Rolling

The *Gemora* discusses the previous discussion. The *Mishnah* stated that if someone saw people running after a lost object etc. Rabbi Yirmiyah said in the name of Rabbi Yochanan: This is only if he chases after them (*the deer or birds*) and catches them (*before they leave his field*). Rabbi Yirmiyah had asked: What is the law regarding a present? Rabbi Abba bar Kahana accepted from him that the law is that it works, even if he can't reach them.

[*The Gemora now adds new information.*] Rava inquired: If someone made his wallet ownerless, and threw it from one opening of the yard, and it went out the other opening, what is the law? Do we say that something traveling through the air is as if it is resting on the ground (*and the owner of the yard can therefore acquire it*), or not?

Rav Pappa said to Rava, and some say Rav Adda bar Masnah said to Rava, and some say Ravina said to Rava: Isn't that essentially the discussion of our *Mishnah*? The *Mishnah* stated that if someone saw people running after a lost object etc. Rabbi Yirmiyah said in the name of Rabbi Yochanan: This is only if he chases after them (*the deer or birds*) and catches them. Rabbi Yirmiyah had asked: What is the law regarding a present? Rabbi Abba bar Kahana accepted from him that the law is that it works, even if he can't reach them.

Rava replied: You are discussing something rolling across the ground! That is clearly considered resting on the ground (*as opposed to a wallet flying through the air*). (12a1 – 12a2)

Mishnah

The lost object found by one's young children, Canaanite slaves, and wife belongs to him. The lost object found by one's adult children, one's Jewish servants, and divorced wife who he has not yet given a *kesuvah* belong to them. (12a2)

Child's Kinyan

Shmuel asks: Why did they say that the lost object found by a minor is acquired by his father? This is because when he finds a lost object, he takes it to his father, and does not keep it (*so we assume that this was his intention when he picked it up*).

The *Gemora* asks: Does this mean that Shmuel holds that a child's *kinyan* is not effective for himself according to Torah law? Doesn't the *braisa* say: If someone hired a worker, the worker's son can gather *leket* (*individual sheaths that fell during harvest and must be set aside for the poor*). If he accepted to work the field for half, one third, or one quarter, his son should not gather *leket* (*as his father is now considered rich*). Rabbi Yosi says: In both cases, his son or wife can collect *leket*. Shmuel says that the law follows Rabbi Yosi. If one says that a minor can acquire what he collects for himself, Rabbi Yosi (*and Shmuel who rules like him*) is understandable. The minor acquires the *leket* (*as he is poor*), and his father can acquire it from him. However, if you say the child never acquires for himself (*only for his father*), he is essentially gathering for his father who is deemed rich. Why, then, are his wife and child allowed to collect?



The *Gemora* answers: Shmuel, in our *Gemora*, is explaining the reasoning of the Tanna of our *Mishnah*. However, Shmuel himself (*as evidenced by his ruling like Rabbi Yosi regarding leket*) does not agree with this reasoning.

The *Gemora* asks: Does Rabbi Yosi indeed hold that a minor can acquire according to Torah law? The *Mishnah* states: The lost object found by a deaf mute, an insane person, and a minor are subject to the prohibition of stealing due to keeping the peace. Rabbi Yosi says: This is one hundred percent stealing (*not just because of keeping the peace*). Rav Chisda explains: He means according to Rabbinic law. The only difference between the *Tanna Kamma* and Rabbi Yosi is regarding whether or not *Beis Din* will take the money away from the person who stole it from them. [*This implies that Rabbi Yosi holds they indeed cannot acquire according to Torah law!*]

Rather, Abaye said: [*Indeed, Rabbi Yosi holds he cannot acquire according to Torah law.*] His reasoning regarding *leket* is that the sages said that it is as if the stragglers had already been through the field (*looking for leket*). The poor give up hope of finding *leket* in this field. They reason that his son will take whatever is there.

Rav Adda bar Masnah asked Abaye: Is a person allowed to set a lion loose in his field so that the poor will see it and run away?

Rather, Rava answers: They made one who cannot acquire as if he can acquire. Why? This is because the poor are happy with this institution (*that their sons should be able to collect*), as when they collect, their sons will collect behind them.

This opinion argues on Rabbi Chiya bar Abba. For Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: The *Mishnah* [by] son ... who is of age [we do] not [mean one who is] legally an adult, nor [do we mean by] minor son [one who is] legally a minor. Rather, any adult who is supported by his father is considered a minor, and a minor supported by himself is considered an adult. (12a2 – 12b1)

Servants

The *Mishnah* states: The lost objects found by one's Jewish servant and maidservant belongs to them.

The *Gemora* asks: Why is this so? Let him be considered no more than a worker, and it was taught in a *Baraisa*: A lost object found by a worker belongs to him. This is only if the employer said that he should dig with him (*i.e. do a specific job*) for one day. However, if his employer said, "Work with me today," the lost object belongs to the employer (*as finding the lost object is included in his work for the day*). [*If so, a servant who is supposed to do any work the master has should also have to give lost objects to the master!*]

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: The case here is when the servant works piercing diamonds. [*His master doesn't want him to do anything else, such as picking up lost objects. Therefore, if he picks it up, he has to pay the master for his "time off," but keeps the object, as he clearly was not serving his master at this time.*]

Rava says: The case is where the lost object was picked up while doing work for the master (*being that there was no break in work for the master, the "bonus" is considered for himself*).

Rav Pappa answers: The case of the *Baraisa* above (*where the worker has to give the lost object to his employer*) is where he hired him to collect lost objects. When is there ever such a case? When a river overflowed and the fish stayed on the dry land (*and the worker was sent to collect the fish*). (12b1)

Maidservant

The *Gemora* asks: What is the case of a Jewish maidservant? If she already reached maturity, what is she doing working for him? [*The Torah says a maidservant goes free when she reaches maturity.*] If she did not reach maturity, it should

belong to her father. If her father is not alive, she should have left her master (*as a maidservant goes free if her father dies*). This is as Rish Lakish states: A maidservant goes free if her father dies. This is derived from a *kal vachomer* (from maturity, see *Kidushin 16a*).

The *Gemora* asks: Rish Lakish's *kal vachomer* was shown to be invalid (*in Kidushin 16a*)! This should also be a proof that his *kal vachomer* is invalid (*as our Mishnah says that she acquires the lost object, and otherwise there is no such case*)!?

The *Gemora* answers: The case is where the father is alive. When our *Mishnah* says, "it belongs to them," it means that it does not belong to the master. [*In the case of a maidservant it belongs to her father, and in the case of a servant it belongs to him (if he is an adult).*] (12b2)

Wife

The *Mishnah* discusses a lost object found by his wife.

The *Gemora* asks: If he divorces her, it is obvious that she does not have to give it to him (*why did the Mishnah bother saying this obvious law*)!

The *Gemora* answers: The case is where she is only possibly divorced (*there is permanent doubt regarding whether or not the divorce was valid*). This is as Rabbi Zeira said in the name of Shmuel: Whenever the sages said that a woman is only possibly divorced, her husband still must support her. The reason that the sages instituted that the lost object of a woman goes to her husband is in order that there should not be hate between them. In this case, there is hate anyway (*as they are getting divorced*). (12b2 – 12b3)

Mishnah

If he found loan documents that contain a lien on properties, he should not return them, as *Beis Din* uses them to collect. If they do not have a lien, he can return them (*to the lender*),

as *Beis Din* will not use them to collect anyway. These are the words of Rabbi Meir. The *Chachamim* say: Either way he should not return them, as *Beis Din* will use them to collect. (12b3)

Loan Document

The *Gemora* asks: What is the case? If the case is where the borrower admits that he did not yet pay back the loan, why does it matter that there is a lien on his properties? He admits he owes the money! If he does not admit, why would Rabbi Meir say the document should be given back when there is no lien? Even if he cannot collect from properties with a lien, he can collect from other possessions of the borrower!

The *Gemora* answers: The case is where he admits. The reason we do not give back the document is because it is possible that it was written in Nissan, but the actual loan did not occur until Tishrei. The lien will therefore enable the lender to collect from properties bought from the borrower from Nissan to Tishrei, when in fact he should not be allowed to do so.

The *Gemora* asks: If we worry about this, we should worry about every loan document (*that it was written early etc.*)!?

The *Gemora* answers: All documents do not have a negative quality in that they were lost. These were lost, and therefore they have a negative quality leading us to this suspicion (*as otherwise he would have been careful not to lose the original*). (12b3 – 12b4)

DAILY MASHAL

Lesser of the Luminaries

The *Mishnah* had stated: If one's minor son or daughter find an object, it belongs to him. If one's son or daughter who is of age finds an object, they may keep it.

Rabbi Chiya bar Abba said in the name of Rabbi Yochanan: When the *Mishnah* said “a son who is of age,” it does not mean that he is literally of age, and when the *Mishnah* said “a minor son,” it does not mean that he is literally a minor. Rather, an adult who is dependent (*for support*) on his father’s table is regarded as “a minor,” and a minor who is not dependent on his father’s table is regarded as “one who is of age.”

It is brought in the sefer *Peninim Mi’shulchan HaGr”a* that once when the Vilna Gaon was travelling in Europe, he was hosted by a man well-versed in Torah learning. The man showed the Gaon what his deceased father had written on the margin of his Chumash regarding the verse in Breishis [1:16]: And Hashem made the two great luminaries: the great luminary to rule the day and the lesser luminary to rule the night, and the stars. Written on the margin was the following abbreviation: **גוּעֲשֵׂאנִי ק**. Many people had attempted to decipher the meaning of this, but to no avail.

The Gaon took a glance at the word and explained as follows: The abbreviation stands for the following: **גדול וסומך על שולחן אביו נקרא קטן** - an adult who is dependent (*for support*) on his father’s table is regarded as “a minor.” The explanation was now self-evident. His father was bothered why the moon was referred to as “the lesser luminary.” The answer was that since the moon has no light of its own, because it has no significant internal source of energy, it is referred to as “the lesser luminary” because its secondary light is produced by what it reflects from the sun.

Rashi cites from Chazal that they were both created the same size, but the moon complained and said that two kings cannot use the same crown and therefore the moon was diminished. The question is asked: It is well known that the moon does not have any intrinsic light source of its own, but rather it is only reflecting the sun light. What is the meaning that they were created equally?

Reb Aryeh Tzvi Frummer answers that that this was precisely the punishment to the moon; the moon did not decrease in

size but rather its retribution was that it will not contain its own light and it will only provide light that it receives from the reflection of the sun.

Initially, the sun and the moon were both *gedolim* since they both had an intrinsic light source; afterwards, the moon became a *katan* because it could not provide light by itself. The Zohar in Breishis seems to explain in an identical manner.

The *Beis Yosef* (O”C 31) cites the Zohar in Shir Hashirim that Chol Hamoed is akin to the moon; it does not have its own sanctity but rather it receives kedushah from the Yom Tov.

It is for this reason why Mesechta Moed Katan is called Moed Katan. Since it contains many halachos regarding Chol Hamoed, it is called Moed Katan.

QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF

to refresh your memory

Q: When can an unguarded courtyard acquire for a person?

A: When the owner is standing next to it.

Q: With what *kinyan* did Rabban Gamliel on the boat give his *ma’aser* to Rabbi Yehoshua and Rabbi Akiva?

A: Either with *agav* or *chatzer*.

Q: What are the two possible reasons that the Kohanic gifts cannot be given with *chalifin*?

A: Either because they are *hefker* or because they have to be “given” and not in a manner of business transactions.