



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

With Him

Rava holds like Rabbi Yonasan, and explains the verses according to Rabbi Yonasan. [*Rabbi Yonasan (bottom 94b) holds that when the Torah mentions one is liable for two things, it means either of those two things, not both.*] The *braisa* states: “*If its owner is with him he shall not pay.*” This implies that the owner was with him (*meaning the owner was doing work for the borrower*) when he borrowed the item and when it broke. It also implies that if he was with him for one of these two, he is exempt. The verse also states, “*If its owner is not with him, he should pay.*” This implies that the owner was not with him when he borrowed the item and when it broke. It also implies that if he was with him for one of these two, he is liable. These verses teach us that if the owner was with him when he borrowed the item, but not when it broke, he is exempt. If he was with him when it broke, but not when he borrowed the item, he is liable. [*In other words, the first verse is telling us that being with him while borrowing is enough to exempt, while the second is saying that being with him when it breaks is not enough to exempt.*]

The *Gemora* asks: Why don’t we switch this teaching around (*and say that being with him while it breaks makes him exempt, while being with him while borrowing does nothing*)?

The *Gemora* answers: It is understandable that the time of borrowing is more important, as this is when the item enters his domain.

The *Gemora* asks: On the contrary, the time when it breaks or dies is more important, as these forced circumstances make him liable!?

The *Gemora* responds: If not for the borrowing, its breaking or dying would not make liable!

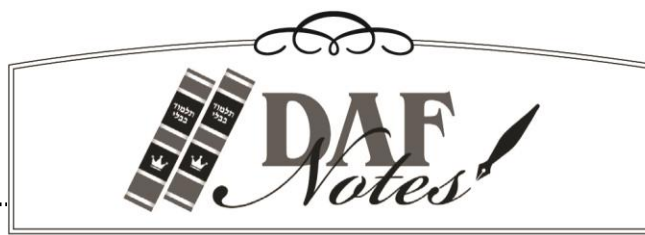
The *Gemora* retorts: If not for the breaking or dying, the borrowing would not make him liable!?

The *Gemora* concludes: Even so, the time of borrowing is more significant, as this makes him liable to feed it.

Rav Ashi says: The verse states, “*And when a person will borrow from his friend,*” and his friend is not with him, “*he will surely pay.*” This implies that if his friend is with him, he is exempt.

The *Gemora* asks: According to Rav Ashi’s teaching, why do we need the verses quoted above, “*with him*” and “*not with him*”?

The *Gemora* answers: Without these verses above, we would not know that this verse means what it means. We would think this is merely the style of the verse. [*However, now that we know that the verse excludes*



one and includes one, Rav Ashi learns from this verse that the important time is when it is borrowed.] (96a)

Inquiries Regarding Borrowing

Rami bar Chama inquired: If someone borrowed an animal in order to sodomize it, is he liable for forced circumstances? Is he only liable if he borrows it for a normal purpose, and this is an abnormal purpose? Or is he liable due to the fact that he benefits from the item, and this is also considered benefit?

What if he borrowed it just to be seen with it, so he could appear wealthy? Do we say that we require a monetary benefit, which is present, or do we say that it has to be a monetary benefit that he gets by using the object itself, which is not present?

If he borrowed it to use it for a benefit that was less than a *perutah*, what is the law? Do we say that there has to be a monetary benefit, and there is, or do we say that there has to be a monetary benefit of at least a *perutah*, which there isn't?

If he borrowed two cows to get a total benefit of one *perutah*, what is the law? [*This question is assuming that we require monetary benefit of a perutah.*] Do we say that being that the borrower is getting a *perutah* of benefit from the owner, he is liable? Or do we say that we look at each cow, and he is not getting a *perutah* benefit from each?

If he borrowed something from partners, and only one of the partners was with him during the borrowing, what is the law? Do we say that all of the "owner" must be present for this exemption, or do we say that he is exempt from half of the payment because one of the (two) owners was with him?

If two partners borrowed an object from one person, and the owner was with one of the partners, what is the law? Does the entire borrower have to be with the owner to be exempt, or do we say he should at least be exempt from half?

If someone borrowed something from a woman, and her husband was with him, what is the law?

If a woman borrowed an object from someone, and the owner at the time was with the woman's husband, is this considered "with him?" Is acquiring the fruit like the acquiring the item itself (*i.e. tree or field that the fruit is coming out of*)?

[*The Gemora means that the previous question is based on this question. A husband is allowed to eat the fruit of his wife's possessions. Does this make him into an owner regarding borrowing, or not?*]

Ravina says to Rav Ashi: If someone says to his messenger, "Go and work with him together with my cow," what is the law? [*In other words, the owner of the borrowed item sent a messenger to help the borrower at the time of the borrowing.*]

Do we say the exemption is only if the owner himself is with the borrower, or do we even say that if his messenger is with the borrower that the exemption applies?

Rav Acha the son of Rav Avya said to Rav Ashi: The question regarding the husband hinges on an argument between Rabbi Yochanan and Rish Lakish. The question regarding the messenger hinges on an argument between Rabbi Yonasan and Rabbi Yoshiya.

The question regarding the husband hinges on an argument between Rabbi Yochanan and Rish Lakish.

This is it is taught: If someone sells his field to his friend so that his friend will own the fruit of the field, Rabbi Yochanan says that the buyer can bring *bikkurim* and read the passage of *bikkurim* from these fruits. Rish Lakish says he can bring *bikkurim*, but cannot read the passage of *bikkurim*. Rabbi Yochanan says this because he holds that acquiring the fruit is like acquiring the field. Rish Lakish maintains his opinion because he holds acquiring the fruit is not like acquiring the field.

The question regarding the messenger hinges on an argument between Rabbi Yonasan and Rabbi Yoshiya. The *braisa* states: If a person says to a caretaker, "All of the vows that my wife will make from today until I come back from this place, nullify them." If the caretaker did so, one might think they are indeed nullified. This is why the verse states, "*Her husband will nullify them, her husband will uphold them.*" These are the words of Rabbi Yoshiya. Rabbi Yonasan says: We find in all places in the Torah that a person's messenger is like himself.

Rav Ilish said to Rava: If someone says to his slave, "Go and work with him together with my cow," what is the law? This question can be asked both according to the opinion that a messenger is like the person himself, and the opinion that it is unlike the person himself. According to the former opinion, the question is that this is only generally stated regarding a messenger who is commanded in *mitzvos*. However, a slave who is not commanded in *mitzvos* perhaps is not included. Or perhaps we can say that even according to the opinion that a messenger is not like the person himself, that is only because it is a messenger. However, a slave, who is like an extension of his master's hand, perhaps would be considered his messenger.

Rava answered: It is logical that in this case we would say that the slave's hand is like the hand of the master.

Rami bar Chama asked: Is a husband who uses the property that his wife brings into marriage considered a borrower or a renter?

Rava commented: A person's sharpness can cause him to make mistakes. If he is a borrower, he is exempt because he is borrowing with the owner. If he is a renter, he is renting with the owner.

Rather, the *Gemora* explains, Rami bar Chama's question was the following: If someone rented a cow from a woman and then married her, is he a borrower or renter from the woman? Is he now a borrower with the owner, which takes away his former status of renter without the owner? Or do we say that he is the same renter as he always was?

The *Gemora* asks: Why is there a difference? If he would be a borrower with her, we would say this takes away his status as a renter without her, but if he would be a renter with her, it would not take away his status as a renter without her?

Rather, the *Gemora* says, Rami bar Chama's case was where she rented a cow and he then married her. According to the *Chachamim* who say that a borrower would pay the renter (*he borrowed from*), there is no question, as this is considered borrowing with the owner. The question is according to Rabbi Yosi who says that the cow should be returned to the original owner. What is the law? Is he a borrower or renter? [*If he is taking care of the cow and it dies due to forced circumstances, is he a borrower or a renter? Rashi says that the husband can be considered a renter, as in exchange for using the "fruits" she brings into the*

marriage, he commits to redeeming her if she is ever captured.]

Rava answers: A husband is neither a borrower, nor a renter, but rather a buyer. This is apparent from a statement of Rabbi Yosi the son of Rabbi Chanina. He says: In Usha they instituted that if a woman, who sold property that she brought into a marriage during her husband's lifetime, died, her husband can seize the property from the buyers.

Rami bar Chama asked: If a wife inherited *hekdesh* money from her father, is her husband considered to have usurped *hekdesh*? [*The Gemora at this point entertains that the usurping happens automatically due to the inheritance alone.*]

Rava replied: Who usurped in this case? If you would say the husband usurped money, he only has in mind to acquire her permitted money, not forbidden money! If you would say she usurped, it is not her fault that the *Chachamim* say she inherits! If you would say the *Beis Din* of that generation has accidentally usurped (*as it is through their power that this inheritance occurs*), when they decreed that a husband is like a buyer of his wife's possessions that she brings into the marriage, they only meant permitted possessions not forbidden possessions.

Rather, Rava says: The husband is considered to have usurped this money from *hekdesh* if he actually uses the money (*even though he didn't know it was hekdesh, see Chagigah 10b-11a*).

The people in the Yeshiva inquired: What is the law if the meat of the cow lessened (*i.e. it loses weight*) because it worked so hard?

One of the Rabbis whose name was Rav Chilkiya, the son of Rav Avya, said: Does this imply that if it dies due to work he is liable? The borrower can say, "I did not borrow the cow so he would just rest under a canopy!"

Rather, Rava states: Not only is the borrower exempt if the cow is lessened, but he is even exempt if it dies due to the work, as he can claim, "I did not borrow the cow so he would just rest under a canopy!" (96a – 96b)