

For he certainly increased its protection

דעלוי עליה לשמירתו -

OVERVIEW

The גמרא states that when a ש"ח transfers the פקדון to a ש"ש it increases its שמירה, and it decreases if the ש"ש transfers it to the ש"ח. Our תוספות will explain what is this increase and/or decrease.

אין לפרש עליה שאם נגנב תחזור לבעלים דהא גרועי גרעיה לא אפשר לפרש בענין זה -
We cannot explain that the reason it is עליה (he increased its protection), is because now that he transferred it to a ש"ש, if it will be stolen, its value will be returned to the owners (for the ש"ש will have to pay the owners¹ (however if it would have remained by the ש"ח, then the owner would lose if it was נגנבה²; this explanation is incorrect;³ because it is impossible to explain the phrase 'גרועי' ('he certainly worsened it') in this manner. We cannot say that if the ש"ש transferred it to the ש"ח and it was נאנסה, the ש"ש caused a loss to the owners; for even if it would have remained by the ש"ש he would have been פטור by אונסין and the owner would suffer the same loss. Therefore, since גרועי גרעי cannot mean he caused a loss, then עלוי עליה cannot mean that he prevented a loss.⁴

גרועי גרעי and עלוי עליה offers his explanation of תוספות:

אלא העילוי והגרעון הוי דשומר שכר מסר נפשו טפי לשומרו משומר חנם:
But rather the increase and decrease in the security of the item is because a ש"ש is more dedicated to guard it than a שומר חנם is.⁵

SUMMARY

The advantage and disadvantage of transferring between a ש"ח and a ש"ש is in the increase or decrease in the level of security.

THINKING IT OVER

When גמרא says אין לפרש that merely mean that this is not what the גמרא meant (since it does not apply to 'גרועי וכו'); or that conceptually it is not correct (for it is not a real עליה עליה)?⁶

¹ See previous תוספות ד"ה לא.

² A גניבה ואבידה on פטור ש"ח.

³ See 'Thinking it over'.

⁴ תוספות assumes that the increase (עליה) and decrease (גרעיה) discussed, is concerning the same concept.

⁵ The owner is therefore more appreciative if it is transferred from a ש"ח to a ש"ש, and vice versa.

⁶ Is it better to have a secure vault or a decent insurance policy?!!