

ואם לאו לא יצא – And if not, he did not fulfill his obligation

OVERVIEW

teaches that by a מתנה ע"מ להחזיר it is necessary for the recipient to return the item in order for the מתנה to be effective. תוספות will qualify this requirement.

anticipates a difficulty:

והא דאמר במסכת סוכה (דף מא,ב) אתרוג היה לו לרבן גמליאל –

And concerning that which the גמרא states in מסכת סוכה, that ר"ג had an אתרוג -

נטלו רבי יהושע ויצא בו ונתנו לרבי עקיבא¹ ויצא בו רבי עקיבא והחזיר לרבן גמליאל –
took it and was יוצא the מצוה, and ר"י gave the אתרוג to ר"ע who was also יוצא, and ר"ע returned the אתרוג to ר"ג -

ודייקין מינה מתנה על מנת להחזיר שמה מתנה –

And the גמרא infers from this story that a מתנה ע"מ להחזיר is considered a מתנה. תוספות concludes the question -

אף על פי שרבי יהושע לא החזירו לרבן גמליאל –

Even though that ר"י did not return it to ר"ג, so how did ר"י fulfill his obligation if he was not מקיים the תנאי; he did not return the אתרוג?!

responds:

דעתו של רבן גמליאל היה לכך שלא היה חושש אלא שיחזור לידו אחר שיצאו כולם:

This was the intent of ר"ג; for he was not concerned that each one should return it to him when they each finished but rather that they should return it to him (only) after they were all יוצא the מצוה.

SUMMARY

If a donor is giving an item to many recipients in a מתנה ע"מ להחזיר situation it is not necessary for each recipient to return the item (in order for his מתנה to be valid); it is sufficient if the item is returned after all have used it for its intended purpose.

THINKING IT OVER

Seemingly even if the intent of ר"ג was that each one should return it; why can it not be considered as if ר"ע appointed ר"י to be his agent to return it?²

¹ In the story there, ר"י gave it to ראב"ע who in turn gave it to ר"ע.

² See אמ"ה.