

Glancing and Staring

Our *Gemara* suggests that the *Mishnah* used many seemingly extraneous words to describe the case of two men fighting over a cloak they are holding together in order to teach that to acquire a lost object a finder must lift it. Seeing the object is not enough to attain ownership. *Tosfos* (s.v. *debere'iyah be'alma lo kani*) ask a question from the words of the *Gemara* later in the tractate. The *Gemara* in chapter *Habayis Veba'alayah* (118a) teaches that one can acquire an item of *hefkeir* through *habatah*, gazing. If looking at an ownerless item can make it mine, how can our *Gemara* say that one does not acquire a lost object by seeing it? *Tosfos* answer that *habatah* means a more intense experience of looking than *re'iyah*. *Re'iyah* means glancing at. Glancing at an ownerless object does not give it to me. The *Gemara* in 118a refers to a person who stared at the object; his looking was so intense that he actually performed an action as well—he built a small fence around the ownerless field. Such an intense gaze (as evidenced by the fact that it led him to build a bit) can acquire an ownerless field. Our *Gemara* is teaching that a mere glance, or a simple look, at a lost object is not enough to acquire the item.

Magein Avraham (*Orach Chayim* 225:20) dealt with the law that one may not look at the face of a wicked man. He reasoned that only intently staring is prohibited. One may not perform *habatah* toward the face of a *rasha*. However, *re'iyah*, a mere glance, is permitted. One may catch a glimpse of the wicked person. One does not need to cover one's eyes when he walks by.

Similarly, he examined the issue of looking at *Kohanim* while they recite their blessings. The *Gemara* in *Chagigah* teaches that one who stares at the *Kohanim* while they recite *Birkas Kohanim* will find that his eyesight will dim. That *Gemara* refers to the priests in the