



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Yud Aleph

MISHNA

- If a person sees people running through his field to go get an item that they found, or running after an injured deer, or after birds that cannot fly, and he says "my field was koneh it for me", his field is koneh it for him. If the deer was not injured and was running normally, or if the birds were flying, and he said "my field was koneh it for me", he has said nothing.

GEMARA

- **R' Yehuda in the name of Shmuel** said, the person's field can be koneh only if he is standing at the side of the field.
 - **Q: R' Yose the son of R' Chanina** said, a person's field can be koneh for him even without his knowledge!? **A:** That is only when the chatzer is guarded. If it is not guarded, then if he is standing by the side of the field he can be koneh. If not, he cannot be koneh.
 - We can prove this from a Braisa. The Braisa discusses whether a bundle of produce becomes "shikcha" when it is first forgotten by the workers, and later forgotten by the owner, when he is already in the city. The Gemara explains the Braisa to mean that if the workers forgot the bundle when the owner was in the field it does not become shikcha, because he is next to his field and can therefore be koneh the bundle. However, if the workers forgot the bundle when the owner was in the city it would become shikcha, because he is not next to his field, and therefore he cannot be koneh the bundle. This is exactly what the Gemara said above.
 - **Ulla and Rabbah bar bar Chana** each also said that a person's field can be koneh for him only if he is standing at the side of the field.
 - **Q: R' Abba** asked **Ulla**, a Mishna tells of the time that **R' Gamliel** was on a ship and realized that he forgot to take maaser off of his produce back home. He immediately designated a portion for maaser rishon and said "it is hereby given to **Yehoshua**, and the place underneath it is rented to him (so that he can be koneh it with kinyan chatzer)". He then did a similar exercise with the maaser ani to **R' Akiva**. Now, **R' Yehoshua and R' Akiva** were not by the side of the field, and still we see that they were koneh!? **A: Ulla** responded by saying that **R' Abba** seems not to understand anything. When **R' Abba** repeated this to the **Rabanan**, one of them explained to him, that case is not difficult to understand, because **R' Gamliel** was being makneh it to them with kinyan agav, not with kinyan chatzer.
 - **R' Zeira** accepted this answer of the **Rabanan**, but **R' Abba** did not. **Rava** said **R' Abba** was correct for not accepting the answer for the following reason. Rather than use kinyan agav, why didn't **R' Gamliel** simply use kinyan chalipin? It must be that chalipin could not have been done, because **R' Gamliel's** rights in the maaser were not considered to be a monetary right, which could be the subject of a kinyan. For that same reason, he could not have used kinyan agav either!? The Gemara says, this is not so. Although it could not be the subject of chalipin, it could have been the subject of kinyan agav.
 - **R' Pappa** said, the reason they did not have to be standing by the side of the field in **R' Gamliel's** case is because there was someone being makneh it to them. However, when dealing with a found item, since there is no one else being makneh it to them, they must be standing by the side of their field in

order to be koneh. We can see this from our Mishna that says that the person can be koneh the found items in his field. **R' Yirmiya in the name of R' Yochanan** explained the Mishna that this is only if he can run after the animal and catch it before it leaves his property. **R' Yirmiya** then asked, would he also have to be able to run after it and reach it if the item was being given to him as a gift, in order for his field to be koneh for him? **R' Abba bar Kahana** said that there is a difference between a found item and an item being given as a gift. Presumably, the difference is that the gift has someone being makneh it to him, whereas the found item does not.

- **Q: R' Simi** asked **R' Pappa**, in the case of a get the husband is being makneh it to the wife, and still **Ulla** said her chatzer is only koneh it if she is standing by the side of the chatzer!? **A:** The case of get is different, because she is koneh it even against her will.
 - **Q: R' Sheishes the son of R' Idi** asked, it should be a kal v'chomer!? If regarding a get, which can even be given to her against her will, her chatzer is only koneh it if she is standing at the side of her chatzer, then a gift, which cannot be given to a person against his will, surely he should have to be standing at the side of his chatzer in order for his chatzer to be koneh!? **A:** Rather, **R' Ashi** said, the ability of a chatzer to be koneh is learned from the ability of a person's hand to be koneh, but is no worse than shlichus. Therefore, regarding a get, which is considered a bad thing for the woman, the chatzer cannot act as her unappointed shaliach and be koneh for her, because we cannot be koneh something that is bad for a person without their will. But, if she is there, the chatzer becomes an extension of her hand and is koneh for her. Regarding a gift, which is beneficial for her, even if she is not there the chatzer acts as her shaliach to be koneh for her, because we are koneh a beneficial thing for a person even if the person is not there.
- **Q: Rava** asked, what is the halacha if someone throws a wallet into one door and it flies through the house and exits another door? Do we say that when an item enters an airspace in which it is not destined to land it is considered as if it landed or not? **A: R' Pappa** (or **R' Adda bar Masna**, or **Ravina**) said to **Rava**, that would seem to be the case of our Mishna regarding the deer running through the property, and **R' Yirmiya in the name of R' Yochanan** explained the Mishna that this is only if he can run after the animal and catch it before it leaves his property. **R' Yirmiya** then asked, would he also have to be able to run after it and reach it if the item was being given to him as a gift, in order for his field to be koneh for him? **R' Abba bar Kahana** said that there is a difference between a found item and an item being given as a gift. We see that although the animal is running through the field without stopping and then exits the field, the owner can still be koneh. The same should be for the wallet that flies through the house, and the owner should be koneh there as well.
 - **Rava** said, our Mishna is not a proof, because an animal that is running through is in contact with the ground, and is therefore considered to be resting on the ground. However, when the wallet is thrown through the house, it may be that it is not considered to come to rest in the house and the owner would therefore not be koneh.