



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

### Bava Metzia Daf Yud Ches

#### MISHNA

- If a person finds a get, a shtar shichrur, a gift document from a person who is dying, a gift document from a healthy person, or a receipt, it should not be given to the intended recipient of the get or document, because the maker of the get or document may have had it written and changed his mind before ever giving it over.

#### GEMARA

- The Mishna implies that if the maker tells the finder to give it to the intended recipient, he would do so, even if it was found a while after it was lost, which is contradictory to a Mishna that says that a get is only returned if it is found immediately (if it is found later than that we are concerned that it was an identical get dropped by someone else)!? **A: Rabbah** said, that Mishna is discussing a place where there are a lot of travelers (and we must be concerned that the get found was dropped by one of the travelers, and is not the get lost by the shaliach). Our Mishna is discussing a place where there are not a lot of travelers, and there is therefore no such concern.
  - The Gemara says, even in a place where there are a lot of travelers, the concern that the get found is a different get only exists if we know that there is another man and wife that have the same name as the maker of the get lost and his wife, and live in the same city. We must say this is the only time we have a concern, because if we don't say that, we will have a contradiction between two statements of **Rabbah**. For we find that when a get was found in **R' Huna's** Beis Din, **R' Huna** said the get may not be returned to the shaliach who said he lost it, but **Rabbah** said it should be returned. Now, the Beis Din of **R' Huna** is considered to be a place with many travelers, and still **Rabbah** said it may be returned. It must be that in that case there was no known other couple with the same name, whereas in **Rabbah's** earlier statement there was.
  - In an actual case where a get was found in the flax house of Pumbedisa, **Rabbah** allowed for it to be returned. Some say it was the place where flax was sold, and although it was a place travelled by many people, since there was no known other couple with the same names, he allowed it to be returned. Others say that it was the place where flax was soaked, and even though there was another couple with identical names, since it was not an area travelled by many people, he allowed it to be returned.
  - **Q: R' Zeira** asked, the Mishna said we only return a lost get if it was found immediately. However, a Braisa says that if a get is found, then if the husband admits to having given it to his wife, it may be returned to his wife. If he doesn't admit to it, it should not be returned to either party. Now, this implies that if the husband admits to it, it may be returned to the wife even if it was lost for a while, which contradicts what the Mishna said!? **A:** He answered, the Mishna is discussing a place where there are a lot of travelers (and we must be concerned that the get found was dropped by one of the travelers, and is not the get lost by the shaliach). The Braisa is discussing a place where there are not a lot of travelers, and there is therefore no such concern.
    - **Some say** that he says it should not be returned in the Mishna only when there is also a known second couple with the same names, which would mean that **R' Zeira** is saying the same thing as **Rabbah**. **Others say** that he says it may not be returned even if there is no known second couple with the same names, which would mean that he is arguing on **Rabbah**.
    - **Q:** We can understand why **Rabbah** asked from another Mishna instead of this Braisa, because asking from a Mishna produces a stronger question. However,

why did **R' Zeira** ask from the Braisa instead of the Mishna quoted by **Rabbah**?

**A:** He feels that when we imply from the Mishna that if the husband says "give it to her" we would give it to her, it may mean that we would only do so if it was found immediately, which would be in agreement with our Mishna.

- **Q:** According to the version that **Rabbah** is arguing on **R' Zeira**, what is the basis of the machlokes? **A: Rabbah** holds that when the Mishna said that if someone finds "any act of Beis Din he should return it", it is discussing where it was found in the Beis Din. A Beis Din is a place where there are many people around, and still it should be returned. This must be where there was no other known people with the same name as that in the document, but if there were other people known with these names, we would not return it. **R' Zeira** says, the Mishna does not say "all acts of Beis Din that are found in Beis Din". It says "all acts of Beis Din should be returned", and it is referring to something found outside of Beis Din.
- **R' Yirmiya** said, the Mishna and the Braisa are not a contradiction to the other Mishna, because they are talking about a case where the signing witnesses say that they only signed on one get with a husband and wife having these names. Therefore, there is no concern that it is a different get, and it may be returned even if it was found a while after it was lost.
  - **Q:** That would seem to be obvious!? **A:** We would think that besides being concerned for the possibility of another couple with the same names, maybe we also have to be concerned that there are other witnesses with the exact same names signed on that get.
- **R' Ashi** said, the Mishna and the Braisa are not a contradiction to the other Mishna, because they are talking about a case where the shaliach or the one claiming the get gives a "siman muvhak", as where he says there is a hole right near a particular letter. That is why we return it to him.
  - The Gemara says this is only if the siman is unique. However, if he says that there is a hole somewhere on the document, it would not be returned, because he is unsure whether the concept of simanim are D'Oraisa or D'Rabanan. Therefore, he requires it to be unique.
- **Rabbah bar bar Chana** once lost a get (that he was bringing as a shaliach) in the Beis Medrash. The **Rabanan** there found it. He said to them, if you want I can give you a siman, and if you want I can simply tell you if I recognize the document. They returned the get to him. He later said, I don't know if they returned it based on the siman, which would mean that they held that simanim are D'Oraisa, or whether they returned it based on my recognizing it, which is something they would only do for a talmid chochom.