



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

### Bava Metzia Daf Chuf Aleph

#### PEREK EILU METZI'OS -- PEREK SHEINI

##### MISHNA

- There are some finds that the finder may keep, and some finds that he has to announce to try and find the owner.
  - The following finds belong to the finder: scattered produce, scattered coins, small bundles in the reshus harabim, a round cake of pressed figs, loaves of bread of a baker, a string of fish, pieces of meat, unprocessed wool, bundles of flax, and tongues of purple wool. This is all according to **R' Meir**. **R' Yehuda** says, if anything has an oddity about it, it would have to be announced and returned – for example, if the cake of figs had a piece of pottery inside, or the loaf of bread had coins inside. **R' Shimon ben Elazar** says, “anpurya” keilim need not be announced.

##### GEMARA

- **Q:** With regard to “scattered produce”, how much produce over what size area is called “scattered”? **A: R' Yitzchak** said, it is a kav of produce scattered over an area of 4 amos. Any higher concentration would need to be announced.
  - **Q:** What is the case? If we can tell the produce fell unknowingly from the owner, then even a higher concentration should be mutar to keep (because there is no siman on the produce)!? If we can tell that it was put there intentionally, then even a lower concentration should not be allowed to be taken by the finder!? **A: R' Ukva bar Chama** said, the Mishna is discussing produce left over on the threshing floor. In such a case, when there is a kav of kernels spread over 4 amos, a person will not spend the effort to collect it, and therefore leaves it as hefker. If the concentration is higher, he is not mafkir it.
    - **Q: R' Yirmiya** asked, what if there is half of a kav spread out over 2 amos (a smaller area, but the same concentration)? Do we say that since this is a smaller area it is not as difficult to gather and he is therefore not mafkir, or do we say that half of a kav is not significant, and he is therefore mafkir it? **Q2:** What about 2 kav over 8 amos? Do we say that this is a larger area and therefore more difficult to gather from, and he is surely mafkir it, or do we say that this is surely a more significant amount of produce and he is therefore not mafkir? **Q3:** What about a kav of sesame seeds that was spread over 4 amos? Do we say that since sesame seeds are more valuable he will go back to gather them and they are not hefker, or do we say that this requires a lot more effort to gather, and therefore he is surely mafkir it? **Q4:** What about a kav of dates or a kav of pomegranates spread over 4 amos? Do we say that since they are not significant he is surely mafkir it, or do we say that since it is little effort to gather them he is not mafkir it? **TEIKU**.
- We have learned, with regard to something that is found before the owner was aware that it was lost (and therefore before he was meya'esh), but it is the type of item that he will be meya'sh as soon as he realizes that he lost it, **Abaye** says it is not considered to be yi'ush yet (and the finder could not keep it) and **Rava** says it is considered as if he was already meya'esh (and the finder could therefore keep it).
  - The Gemara explains, with regard to a lost item that has a siman all agree that it would not be considered to be yi'ush before he realizes it was lost, even if we later hear that he was meya'esh when he realized it was lost. The reason is, at the time that the finder

took it he was not allowed to keep it, because typically when someone loses an item with a siman he is not meya'esh. Also, if someone found an item that had been washed away by a wave or a flood, all would agree that the finder could keep it even if the item had a siman, as the Gemara will explain later. The machlokes is only regarding an item that does not have a siman and was found before the owner realized it was lost. In that case **Abaye** says it is not yet yi'ush, because he doesn't yet know that he lost it, and **Rava** says that since there is no siman, as soon as he realizes that it is lost he will be meya'esh. Therefore, it is considered to be yi'ush now as well.

- **Q:** Our Mishna gave the case of scattered produce. Presumably the owner may not yet know that he lost this produce and yet the Mishna allows the finder to keep it. This seems to be a proof to **Rava!**? **A:** The Mishna has been explained by **R' Ukva bar Chama** to be discussing produce left on the threshing floor, which the owner knew about and purposely left there.
- **Q:** The Mishna gave the case of scattered coins. Presumably the owner did not yet know that he lost it and yet the Mishna says the finder may keep it. This is a proof to **Rava!**? **A:** The reason he may keep it there is based on **R' Yitzchak**, who says that a person constantly touches his wallet to make sure he has his money. Therefore, in this case the owner was surely aware that he lost his money by the time the finder found it.
- **Q:** The Mishna said that the finder of a cake of figs and of a baker's loaf of bread may keep it. Presumably this is even when the owner did not yet know that he lost it. This is a proof to **Rava!**? **A:** These items are heavy, and the owner is therefore surely aware that he lost it by the time they were found.
- **Q:** The Mishna said that the finder of tongues of purple wool may keep it. Presumably this is even when the owner did not yet know that he lost it. This is a proof to **Rava!**? **A:** Since this item is very valuable, it is similar to money in that a person constantly checks to make sure he has it. Therefore, he is surely aware that he lost it before the finder ever finds it.
- **Q:** A Braisa says, if a person finds money in a shul or Beis Medrash or anyplace where a lot of people are found, he may keep it because the owner was surely meya'esh. Presumably this is even if the owner is not aware that he lost it, and is a proof to **Rava!**? **A:** **R' Yitzchak** said, a person constantly touches his wallet to make sure he has his money. Therefore, in this case the owner was surely aware that he lost his money by the time the finder found it.
- **Q:** A Mishna says that all people (even rich people) become mutar to take leket once the "nemushos" have gone through the field. **R' Yochanan** explained that nemushos are old people who walk slowly with a cane, and **Reish Lakish** explained that it refers to a second group of poor people who have already gone through the field. At that time the poor people are meya'esh of finding more leket in that field. Now, the poor people of other locales are not aware that the nemushos have gone through, and yet we are saying it is considered that they already were meya'esh (since if they would know they would be meya'esh)!? This is a proof to **Rava!** **A:** The poor people of other locales are meya'esh from the start, because they know that the local poor people will take all the leket. That is why it is considered to be hefker once the local poor people are meya'esh.
- **Q:** A Mishna says, if one finds cut figs on the road, even if they are at the side of a field that has cut figs let out to dry, or if there is a fig tree hanging over the road and one finds figs underneath it, the figs may be taken (there is no issue of gezel) and they are patur from maaser (they are considered to be of hefker). However, if there are olives or carobs found in the same situations, they would be assur for the finder to keep. Now, according to **Abaye**, we can explain the first part of the Mishna as being hefker, because figs are very valuable and a person therefore constantly checks to see if he lost them. In the case of the fig tree as well, since he knows that the figs will fall, he is meya'esh on those figs. However, according to **Rava**, how would he explain the part of the Mishna that says that the olives and carobs would be assur (since the owner *will be* meya'esh when he realizes they are lost, it should be hefker now as well)!? **A:** **R' Avahu** said, olives are different, because the olives of each tree are recognizable as coming from that tree. Therefore, the owner feels that when a person sees the fallen olives near the tree, he

will recognize that they are from that tree and will not take them. Therefore, he is not meya'esh.

- **Q:** If so, why is the case of the figs different? **A: R' Pappa** said, a fig becomes disgusting when it falls to the ground. Therefore, even though it may be recognizable, the owner is mafkir it.
- **Q:** A Braisa says, a ganav or a gazlan who took from one person and gave to another person, or if a river took an item from one person and gave it to another, the item may be kept by the recipient of the item. Now, in the case of the river and the gazlan, the owner sees what happened and was therefore meya'esh. However, with regard to a ganav, the owner is not aware, and yet the Braisa says that the recipient may keep it. This is a proof to **Rava!**? **A: R' Pappa** said, the "ganav" in the Braisa refers to armed robbers, and the owner was therefore aware that it was stolen.
  - **Q:** Armed robbers are another form of gazlan, which the Braisa mentions separately!? **A:** The Braisa lists 2 kinds of gazlan.