



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

Bava Metzia Daf Chuf Daled

- A Braisa says, **R' Shimon ben Elazar** agrees that if one finds new keilim that the owner would recognize, he would have to announce the find. The following are new keilim that an owner would not recognize, and that the finder would therefore not have to announce – “badei” [the Gemara explains this to mean poles that hold a bunch of the following] of needles and spinning forks, and strings of axes. With regard to the ones that need not be announced, in which case may they be kept? Only if he found them one by one. However, if he found them two by two, he would have to announce them (the number can act as a siman). Similarly **R' Shimon ben Elazar** would say, if someone saves something from being lost to a lion, bear, leopard, or bardelis, or from a wave or flooding river, or from a main highway or large public square, or anyplace in which a large number of people are typically found, the finder may keep the item for himself because the owner is meya'esh from it.
 - **Q:** When **R' Shimon** said a person may keep an item he finds in a place where a large number of people are typically found, is that only where most of those people are goyim, or even if most of them are Yidden? If you say he says so even when most of them are Yidden, do the **Rabanan** argue with him and require the finder to announce the item or not? If you say they do argue, they surely argue when there are mostly Yidden, but do they also argue when there are mostly goyim? If you will say they even argue where there are mostly goyim, do we pasken like **R' Shimon** or not? If we do pasken like him, is that only when there are mostly goyim, or even when there are mostly Yidden?
 - **Q:** Maybe we can answer the first question from Braisa which says, if a person finds money in a shul or in a Beis Medrash or anyplace where there are typically large numbers of people, the finder may keep it, because the owner was meya'esh from the money. Now, this Braisa must follow **R' Shimon**, because he is the one who used this logic, above. Given that it discusses a shul, it must be that he says his halacha even when there are mostly Yidden! **A:** This is no proof. This Braisa may be discussing money that is found scattered about, with no siman, and that is why the finder may keep it.
 - **Q:** If the money was scattered about, the finder may keep it even if it was found in a place where there are not typically large numbers of people!? **A:** The money was not scattered about, but when the Braisa says “shul” it is referring to the houses of worship of the goyim. Therefore, there is no proof as to what **R' Shimon** holds.
 - **Q:** The Braisa also says “Beis Medrash”, and that must be referring to a place of Yidden!? **A:** It may be talking about a Beis Medrash of Yidden that is being guarded by goyim, and that may be why he says the find it mutar. Once we use this logic, we can say the same thing regarding the Braisa's use of the term “shul”.
 - **Q:** A Mishna says, if someone finds an item in a city of Yidden and goyim, he must make a determination – if the majority are Yidden, he must announce the find, and if the majority are goyim he may keep the item. Now, it is **R' Shimon** who uses this logic of the majority and we see it is only when the majority are goyim, not Yidden! **A:** It may be that this Mishna follows the view of the **Rabanan** who argue on **R' Shimon**.
 - **Q:** If so, we can at least answer that the **Rabanan** agree with **R' Shimon** when the majority are goyim? **A:** It may be that the Mishna follows **R' Shimon**, and he holds that even when the majority are Yidden it may be

kept. The reason why in the Mishna it must be announced is because the case is that he found something buried in the ground, in which case we assume the owner put it there intentionally, and it is not lost, which is why it must be returned.

- **Q:** If it was buried, why did the finder even take it to begin with? A Mishna says that one should not even touch an item that he finds hidden away!? **A:** This case is like **R' Pappa** says elsewhere, that it was buried in a garbage dump that was unexpectedly going to be removed. The owner of the item had no way of knowing that. Therefore, the item should not be left there, but should rather be taken and announced.
- **A:** We can also say that the Mishna follows the **Rabanan**, and is still no proof that they agree when there is a majority of goyim, because the Mishna does not say "he may keep it", rather it says "he need not announce it". This means he must hold it and wait for a Yid to come and give a siman. It does not allow him to keep it.
- **Q:** We find that **R' Assi** said, if a barrel of wine is found in a city that is majority goyim, it is mutar with regard to the halachos of a found item, but is assure to benefit from as yayin nesech. If a Yid came and gave a siman, it is now mutar for the finder to drink it. Now, this would presumably be following the view of **R' Shimon**, and we see that the finder may only keep the item when it is mostly goyim! **A:** It may be that **R' Shimon** allows the finder to keep the item even when there are mostly Yidden, and **R' Assi** holds like **R' Shimon** only where there is a majority of goyim.
 - **Q:** If the wine is assur b'hana'ah, in what way is it mutar with regard to being a lost item? **A:** **R' Ashi** said, this means that the barrels are mutar for the finder to keep.
- **Q:** A person once found tied up money in the Biran River and **R' Yehuda** told him he must announce the find. Although one may keep what is found in a river, the Biran River was different, because there were many places for an item to get caught as it went downstream and the owner is therefore not meya'esh. Now, the people along the river were majority goyim, and this should therefore prove that we don't pasken like **R' Shimon** even when there are mostly goyim!? **A:** The people who build the dams at the Biran River are Yidden (and we must therefore assume the item was lost by a Yid) and the people who dredge the Biran River are Yidden (and the owner therefore is not meya'esh, because he figures that a Yid will find it).
- **R' Yehuda** was walking behind **Shmuel** in a market, and asked **Shmuel**, what would be the halacha if one found a wallet here? **Shmuel** said, the finder could keep it. **R' Yehuda** asked, what if a Yid came and gave a siman? **Shmuel** said, he would have to return it. **R' Yehuda** asked, how can both these rulings be true? **Shmuel** answered, I meant that he should go beyond the letter of the law and return it. We find that **Shmuel's** father returned things he did not have to, just to go beyond the letter of the law.
- **Rava** was walking behind **R' Nachman** in a market, and asked, what would be the halacha if one found a wallet here? **R' Nachman** said, the finder could keep it. **Rava** asked, what if a Yid came and gave a siman? He answered, he could still keep it. **Rava** asked, but the owner is there and yelling that it is his!? **R' Nachman** said, it is like someone yelling that his house fell down or his ship sank (it is useless, because he was already meya'esh).
- **Q:** It once happened that a bird took meat from the market and threw it by the palm trees of Bar Mariyon. **Abaye** told him that he could keep the meat. Now, this area was a majority of Yidden, so we can learn that we pasken like **R' Shimon** even when the majority are Yidden? **A:** A bird grabbing something is like a river sweeping something away, in which case it belongs to the finder.

- **Q: Rav** has said that meat that was not constantly seen is assur to eat!?
A: The case was that Bar Mariyon saw the meat the entire time.
- **Q: R' Chanina** found a shechted goat between Tverya and Tzipori and the **Rabanan** allowed him to keep it. **R' Ami** said, they said it was mutar with regard to the halachos of a found item based on the view of **R' Shimon**, and that it was mutar with regard to shechita based on the view of **R' Chananya the son of R' Yose Haglili**. Now, they would only say it is mutar with regard to shechita if the majority were Yidden, and we can therefore see from here that we pasken like **R' Shimon** even where the majority are Yidden! **A: Rava** said, it may be that the majority of people were goyim, but the majority of butchers were Yidden, and that is why we can assume that it was a valid shechita.
 - We find a similar story with **R' Ami**, and a similar story with **R' Yitzchak Nafcha**.