



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

Bava Metzia Daf Chuf Tes

MAH YIHEI BADAMIM R' TARFON OMER YISHTAMEISH...

- The machlokes is regarding whether the finder has the right to use the money (if he does, he becomes a shomer sachar). However, if he does not have the right (e.g. all agree that he may not use the lost item itself) he would not be responsible (although by being busy with the mitzvah he becomes patur from other mitzvos, like that of giving tzedaka, that benefit would not make him a shomer sachar).
 - **Q:** This refutes **R' Yosef**, who says that a shomer aveida is considered to be a shomer sachar!? **A:** **R' Yosef** would say, all would agree that the finder would be chayuv if the items were stolen or lost (like a shomer sachar). The machlokes in the Mishna is regarding whether he would be chayuv for an oneis like a borrower. **R' Tarfon** says that he may use the money and is therefore considered to be a borrower and is chayuv for an oneis, whereas **R' Akiva** holds that he may not use it, and is therefore not considered to be a borrower.
 - **Q:** In the Mishna **R' Akiva** says "he may not use the money and *therefore*, if it is lost he is not responsible". Now, the "therefore" makes sense if **R' Akiva** means to say that he is even patur if it is stolen or lost. However, if he agrees regarding that, and only argues regarding an oneis (like **R' Yosef** said), the use of "therefore" seems inappropriate!? **A:** He only used that word because **R' Tarfon** used that word first.
 - **Q:** Why did **R' Tarfon** use that word? **A:** **R' Tarfon** meant to say, since the **Rabanan** allowed the finder to use the money, it is considered as if he used it (he is considered to be a borrower even if he didn't use it) and would therefore be responsible even for an oneis.
 - **Q:** The Mishna says that the machlokes is regarding responsibility when the item is *lost*! This refutes **R' Yosef**!? **A:** We find that **Rabbah** once explained the term "lost" as referring to an unavoidable loss. **R' Yosef** would do the same here.
 - **R' Yehuda in the name of Shmuel** paskened like **R' Tarfon**.
 - Rachva had money he was watching for minor orphans. He asked **R' Yosef** whether he may use the money. **R' Yosef** said, we pasken like **R' Tarfon**, so the money may be used. **Abaye** asked, we have learned that **R' Chelbo in the name of R' Huna** said that this is only if he has a found item and then had to sell it. Since he bothered with it, we allow him to use the money from the sale. However, if he found money, he may not use it. The money of the orphans is more like found money, and he therefore should not be allowed to use it!? **R' Yosef** told Rachva, "go, because they do not let me allow you to use the money".

MISHNA

- If someone found seforim, he should read from them once every 30 days (to prevent them from getting ruined). If he does not know how to read, he should simply roll them (from one end to the other). However, one should not use them to learn something he is learning for the first time (he may come to ruin them), and he should not read in them along with another person.
- If someone finds a garment, he should shake them out once every 30 days and spread it out as often as needed. However, he should not spread it out for his own honor (to decorate his home).
- If he found silver or copper keilim, he should use them as often as needed to keep them in good condition, but not enough to ruin them.

- If he found gold or glass keilim, he should not even touch them until Eliyahu comes and says who they belong to.
- If he found a sack or a box or anything that is not normal to be picked up even if it was his own, he need not pick it up.

GEMARA

- **Shmuel** said, if someone finds tefillin in the market, he should appraise them and sell them right away, and put the money away.
 - **Q: Ravina** asked, the Mishna said seforim should be read or rolled, which suggests that they should not be sold. Why are tefillin different!? **A: Abaye** said, it is easy for the owner to buy another pair of tefillin, but is not easy to find replacement seforim.
- A Braisa says, if someone borrows a Sefer Torah, he may not lend it to another person. He may open it and read from it, as long as he is not learning something for the first time, and as long as a second person is not reading along with him. Similarly, if one deposits a Sefer Torah with a shomer, he should roll it every 12 months. He may open it and read from it, but if he opened it for his own purposes, it is assur. **Sumchos** said, if it is a new Sefer Torah, it should be rolled every 30 days. If it is an old one, it should be rolled every 12 months. **R' Eliezer ben Yaakov** says, in either case it should be rolled every 12 months.
 - **Q:** Why does the Braisa single out a Sefer Torah? Any borrowed item may not be lent out!? **A:** The chiddush is, we would think that people are happy to have a mitzvah done with their property, and therefore they allow the further lending of the Sefer Torah. The Mishna teaches that this is not so.
 - **Q:** It seems obvious that he may open it and read from it!? If he can't, for what purpose did he borrow it!? **A:** That was only stated for the next halacha, that he may not use it to learn something he is learning for the first time.
 - **Q:** How is he allowed to read from a Sefer Torah that was deposited with him? Also, what does the Braisa then mean that if he opened it for his own purposes it is assur? **A:** The Braisa means, if as he is rolling it he reads it, that is mutar. However, if he opened it to read it, it is assur.
 - **Q: R' Eliezer ben Yaakov** is saying the exact same thing as the **T"K**!? **A:** The Braisa must be read as saying that **R' Eliezer ben Yaakov** says in both cases it should be rolled every 30 days.

AVAL LO YILMOD BO BAT'CHILA V'LO YIKRA ACHEIR IMO

- **Q:** A Braisa says that 3 people should not read together from a found sefer. This suggests that two people may!? **A: Abaye** said, two people may not read the same subject (they will each pull it towards them and it will rip). However, they may read from different subjects.

MATZA KSUS M'NAARA ECHAD LISHLOSHIM YOM

- We have learned that **R' Yochanan** seems to say that shaking out a garment is bad for it!? **A:** Doing so every day is bad for it. Doing so every 30 days is good for it. **A2:** One person doing it is good for it. If two people do it together it is bad for it. **A3:** Shaking it out by hand is good for it. Shaking it out by hitting it with a stick is bad for it. **A4:** It is good for a linen garment to be shaken out, and not good for a woolen garment.
- **R' Yochanan** said, it is better to drink a cup from sorcerers, than to drink a cup of lukewarm water. However, that is only if the water is in a metal keili, but if it is earthenware, it is not a problem. Even if it is in a metal keili, it is only a problem if the water was not first brought to a boil. Also, it is only a problem if no other ingredients were put into the water.
- **R' Yochanan** said, if someone inherited a lot of money and wants to lose it, he should wear linen clothing, use glass keilim, and hire workers and not supervise them.
 - He is referring to Roman linen (which is very expensive and very fragile), white glass (which is also very fragile), and was referring to workers who would drive the oxen in the fields (which had great risk of ruining of the crops if not done carefully).