



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

Bava Metzia Daf Lamed

SHOTCHA L'TZORKA AVAL LO LICHVODO...

- **Q:** What if the finder wants to spread it out for his own needs as well as for the needs of the garment? **A:** Our Mishna said "he should spread it out for *its* needs". This suggests that it may *only* be done for its needs, and not for his needs at all.
 - **Q:** The Mishna then says "it may not be done for his honor". This suggests that if it is done for his needs and its needs it would be allowed!? **A:** Rather, we can't bring a proof from our Mishna.
 - **Q:** A Braisa says, the finder may not spread out the garment over a bed or a peg for his own needs, but may do so for the needs of the garment. However, if he has guests, he may not spread it out over a bed or a peg, whether it is for his own needs or the needs of the garment. We see from this last statement that a dual purpose would also not be allowed!? **A:** That case is different, because spreading it out in front of other people causes it to be damaged – either because of ayin harah, or by exposing it to thieves who will come and steal it.
 - **Q:** A Braisa discusses the eglah arufah, which is only valid if it did not have any work done with it, and says that if the owner took the calf and joined it in a harness so that it can nurse from its mother, and in the process it also threshed some grain, the calf remains valid as an eglah arufah. However, if he had in mind that it nurse and thresh, it would become passul. Now, this is like a case of dual purpose, and we see that it is like it is done entirely for the owner's needs. The same should be regarding a lost item as well! **A:** We cannot bring a proof from eglah arufah, because it may be that the reason it becomes passul there is because the pasuk says "asher lo ubad bah", which teaches that any work done with it makes it passul. The reason it does not become passul in the first case is based on the drasha of **R' Pappa**, which teaches that only work that the owner is satisfied with is considered work for these purposes.

KLEI KESEF UKLEI NECHOSHES MISHTAMESH BAHEN...

- A Braisa says, if one finds a wooden keili he should use it so that it does not rot. If he finds a cooper keili he can even use it with hot food, but not in the fire itself, because that will cause it to deteriorate. If he finds silver keilim he should use them with cold food, but not with hot food, because that will blacken the keilim. If he finds shovels or axes he should use them on soft items, not hard ones, so as not to damage them. If he finds gold or glass keilim, they should not be touched until Eliyahu comes and identifies the owner. The same way this was said regarding found items, it was also said regarding deposits.
 - **Q:** Why should a shomer be touching a deposit at all? **A: R' Ada bar Chama in the name of R' Sheishes** said, the Braisa is discussing a deposit where the owner has travelled overseas, and the deposit must be cared for.

MATZA SAK OY KUPAH...

- **Q:** How do we know that a person need not pick up a lost item of the type that he would not pick up if it were his own? **A:** A Braisa says, the word "v'his'alamta" teaches that there are times that a person may "hide" and not pick up a lost item – for example, if he is a Kohen and the item is in a cemetery, or he is a talmid chochom and it is not befitting that he pick it up, or the value of his work is worth more than the item.
 - **Q:** Why is a pasuk needed? The Kohen is assur to go into the cemetery with a lav and an assei, and the assei of returning a lost item can therefore surely not override the issur!? Also, no monetary halacha would trump an issur!? The pasuk is also not needed for the case of where his work is more valuable than the item, because that is learned from a

- drasha of **R' Yehuda in the name of Rav!**? **A:** It is needed for the case of the talmid chochom.
- **Rabbah** said, if the talmid chochom hit the lost animal even once (to make it walk towards its owner), he would be chayuv to complete the act of returning it (even though he didn't have to begin to do so).
 - **Abaye** once threw a clump of earth at an animal to make it walk towards its owner. **Rabbah** told him that he now became obligated to complete the mitzvah of returning the animal.
 - **Q:** What if an item is found in the field and its owner is in the city, and it would be befitting for the finder to return this item in the field, but not in the city? Do we say that since he would not have to return it in the city he does not have to even begin in the field, or do we say that he must begin in the field, and once he began he must follow through and return it even in the city? **TEIKU**.
 - **Rava** said, any item that a person would return of his own, he must return of someone else. Also, any package that he would unload or load if it were his own, he must help to unload or load if it belongs to someone else.
 - **R' Yishmael the son of R' Yose** was travelling and a man asked him to help him load a bundle of wood onto his back. **R' Yishmael** asked how much the bundle was worth and paid the person for the bundle rather than to help him load it. He was then mafkir the bundle. The person was quickly koneh the bundle and again asked for **R' Yishmael** to help him load it onto him. He again paid for the bundle and was mafkir it. When he saw the person attempting to be koneh it again, he said "I was mafkir it for anyone except you!"
 - **Q: R' Yishmael** was a talmid chochom, and as such had no obligation to help load the bundle of wood onto the person. If so, why did he have to pay for it at all? **A:** Although he didn't have to do so, he did so, to act beyond the letter of the law.

MISHNA

- How is one to know that an object he sees is lost? If he found a donkey or cow grazing by the road, it is not lost. If he found a donkey with its keilim overturned, or a cow running through the vineyards, it should be assumed as lost.
- If he returned an animal and it ran away again, and he returned it and it ran away again, even if this happened 4 or 5 times, he would still be chayuv to return it again, as can be learned from the pasuk of "hasheiv tishiveim".
- If the finder would have to stop working, which had the value of a selah, he cannot tell the owner, "pay me a selah for the work that I had to stop", rather he can get paid for the time he spent retrieving the item, at the rate of a hired worker. If there is a Beis Din there he can tell them that he is only willing to retrieve the item if he will be fully paid for the work that he has stopped doing, and he can then claim that full amount from the owner. If there is no Beis Din there, what can he do? In this case is where we apply the principle that a person's own financial considerations come first, and he can continue working and decide not to retrieve the item.

GEMARA

- **Q:** Is this to say that all the other items that we have previously discussed as being lost items are not considered to be lost items? **A: R' Yehuda** said, the Mishna is asking, what is the guideline to use to establish that something is lost and one is therefore chayuv to return it? If he found a donkey or cow grazing by the road, it is not lost. If he found a donkey with its keilim overturned, or a cow running through the vineyards, it should be considered as lost.
 - **Q:** Is this true forever (if he sees the animal grazing at the road for days, should he still assume that it is not lost)? **A: R' Yehuda in the name of Rav** said, up to 3 days he can assume that it is not lost. More than that he must assume that it was lost.
 - **Q:** When was it seen grazing? If it was seen at night, even if it was seen for one moment it should be assumed as lost!? If it was only seen by day, even more than 3 days should not create a presumption of it being lost!? **A:** The case is where it was seen early morning or early night. In that case, if it was for only 3

days, we can assume it is not lost. If it was for more than 3 days, we must assume that it was lost.

- A Braisa also suggests this 3 day period. The Braisa says, if a person found a talis or an ax in a public street, or a cow running through the vineyard, it should be assumed as lost. If he found a talis next to a gate, or a cow grazing in the vineyard, it can be assumed that it is not lost. If it was seen there for more than 3 days, it should be assumed as lost. If one saw water coming towards another person's field, threatening to flood it, he should put up a wall to protect the field from the oncoming waters.
 - **Rava** said the words "l'chol aveidas achicha" teach to include loss of land as well. **R' Chananya** told **Rava**, the Braisa is a proof to you, because it says that a person must put up a wall to protect another's field from oncoming waters. **Rava** said, that is no proof, because the Braisa may be discussing where there are bundles of grain in the field, and the wall must be put up to protect the bundles, not the field.
 - **Q:** If there were bundles, what is the chiddush of the Braisa? **A:** The bundles are still attached to the ground and need the ground. We would think that since they still need the ground they are like the ground and therefore a wall need not be put up to protect them. The Braisa therefore teaches that they must be protected against loss.