



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

Bava Metzia Daf Lamed Aleph

MATZA CHAMOR UPARAH...

- **Q:** On the one hand the Mishna says that if a cow or donkey is seen grazing by the road it is assumed not to be lost, which would suggest that if it was seen running by the road or grazing in the vineyard it would be assumed as lost. However, the Mishna then says that if a donkey was seen with its keilim overturned or a cow was seen running through the vineyard it is presumed to be lost. This suggests that if it was seen running along the road or grazing in the vineyard it would not be assumed to be lost!? **A: Abaye** said, we can learn one case from the other. The Mishna teaches that grazing at the road is not assumed as lost, and the same would be true for grazing in the vineyard. The Mishna teaches that running in the vineyard is assumed to be lost, and the same would be true for running along the road.
 - **Q: Rava** asked, if this is the way to understand the cases, why didn't the Mishna teach the less extreme cases? The Mishna should have taught that running by the road is assumed lost, and we would know that running in the vineyard is surely assumed lost!? The Mishna should have taught that grazing in the vineyard is not assumed lost, and we would know that grazing along the road is surely not assumed lost!? **A: Rava** therefore said, the cases of inference regarding running are not contradictory, because it depends in which direction the animal is running – if it is running toward the wilderness it is considered lost and if it is running toward the city it is not. The cases of grazing are also not contradictory. When the Mishna says that grazing in the vineyard is not assumed to be lost, that is referring to the cow itself, and when it says "it is lost" it is referring to the land that is being eaten.
 - **Q:** If the animal is grazing in the vineyard, although it may not be lost, it should have to be removed to save the field from damage!? **A:** The case is where a goy owns the field, and a person need not prevent damage to the field of a goy.

HECHZIRA UVARCHA HECHZIRA UVARCHA...

- One of the **Rabanan** asked **Rava**, maybe we should say that "hasheiv" teaches that an item must be returned once, "teshiveim" teaches that it must be returned a second time, but that would be the limit of the obligation? **Rava** said, "hasheiv" teaches that it must be returned even 100 times. "Teshiveim" teaches that it need not be returned to his house, rather it may even be returned to his protected field or ruin. The reason is, that return of a lost item does not need the knowledge of the owner, as **R' Elazar** says.
 - Regarding the mitzvah of shiluach hakan we are taught that the mother must be sent away, even many times. One of the **Rabanan** asked **Rava**, maybe "shalayach" teaches it must be done once, and "tishalach" teaches that it must be done a second time, but that is the limit of the obligation? **Rava** said, "shalayach" teaches that it must even be done 100 times. "Tishalach" teaches that it must be sent away even if it is needed for a mitzvah (e.g. the mother can be brought as a korban).
 - Regarding the mitzvah of giving mussar we are taught that it must be done even multiple times. One of the **Rabanan** asked **Rava**, maybe "hochayach" teaches it must be done once, and "tochiyach" teaches that it must be done a second time, but that is the limit of the obligation? **Rava** said, "hochayach" teaches that it must even be done 100 times. "Tochiyach" teaches that even a talmid must give mussar to his rebbi, if the rebbi is acting improperly.
 - Regarding the mitzvah to help unload packages from an animal that collapsed under the weight, the pasuk says "azov taazov imo". The word "imo" suggests that this must only be done if the owner is there as well. How do we know that it must be done if he is not there as well? The words "azov taazov" teach that it must be done in all instances.

- Regarding the mitzvah to help load packages onto an animal, the pasuk says “hakeim takim imo”. The word “imo” suggests that this must only be done if the owner is there as well. How do we know that it must be done if he is not there as well? The words “hakeim takim” teach that it must be done in all instances.
 - **Q:** Why did the Torah have to separately teach the mitzvah of unloading and the mitzvah of loading? **A:** Both are needed. If we would only have the mitzvah of unloading an animal, we would say the obligation exists there because there is pain to the animal and there is a potential loss to the owner. If we would only have the mitzvah of loading, we would say that the obligation exists because (as some say) the person gets paid for his help, but unloading, which must be done for free, does not create an obligation.
 - **Q:** According to **R’ Shimon**, who says that loading must also be done for free, why did both have to be written? **A:** According to **R’ Shimon** it is not clear which pasuk refers to loading and which refers to unloading. Therefore we need both to know that both are included.
 - **Q:** Why was it necessary for the Torah to write these 2 mitzvos and then to also write the mitzvah of returning a lost item? Why couldn’t they be learned from it, or it from them? **A:** If we would only have those two, we would say in those cases there is an obligation to help, because there is anguish of the owner and pain of the animal, but when a lost item is found there is only anguish of the owner. If we would only have the mitzvah of returning a lost item, we would say in that case there is an obligation, because the owner is not with the item and has no way of getting it. However, with regard to loading and unloading, the owner is there and can hire workers to help him. Therefore we would think that there is no obligation.
- The pasuk regarding a murderer says “mos yumas hamakeh”. We would think that he may only be put to death with the method that is supposed to be used for him – death by sword. How do we know that if he can’t be put to death in that way, we may put him to death by any other means? The double verbiage of “mos yumas” teaches that it may be done in any way.
- The pasuk regarding an “ihr hanidachas” says “hakei sakeh”. We would think that the people of the city may only be put to death with the method that is supposed to be used for them – death by sword. How do we know that if they can’t be put to death in that way, we may put them to death by any other means? The double verbiage of “hakei sakeh” teaches that it may be done in any way.
- The pasuk regarding returning collateral to a borrower says “hasheiv tashiv”. We would think that it needs to be returned when the borrower needs it, only when the collateral was taken with the permission of Beis Din. How do we know that it must be returned even if it was taken without the permission of Beis Din? The double verbiage teaches that it must be done in either case.
- The pasuk regarding returning collateral to a borrower says “chavol tachbol”. We would think that it needs to be returned when the borrower needs it, only when the collateral was taken with the permission of Beis Din. How do we know that it must be returned even if it was taken without the permission of Beis Din? The double verbiage teaches that it must be done in either case.
 - **Q:** Why are both these pesukim regarding collateral needed? **A:** One is to address a garment worn during the day and one is to address a garment worn at night.
- The pasuk regarding tzedaka says “paso’ach tiftach”. We would think that one must only give tzedakah to poor people of his own city. The double verbiage teaches that one must give to the poor of other cities as well.
- The pasuk regarding tzedaka says “nason titein”. We would think that one must give a large amount if he is able, but there is no obligation to give a small amount. The double verbiage teaches that even a small amount is an obligation as well.
- The pasuk regarding giving gifts to a Jewish slave upon his emancipation says “haaneik taanik”. We would think this obligation only applies if the house was blessed on account

of the slave. The double verbiage teaches that the obligation exists even if the house wasn't blessed on his account.

- According to **R' Elazar**, who says the obligation only exists if the house was blessed on his behalf, the double verbiage was written because that is how people speak, not for any drasha.
- The pasuk regarding the obligation to lend money says "haaveit taavitenu". We would think this only applies for a person who doesn't have money and doesn't want to accept charity. The double verbiage teaches that even if someone has money and doesn't want to spend his own money, we are obligated to lend him money to live as well.
 - According to **R' Shimon**, who says the obligation doesn't exist if the person has money of his own and just doesn't want to spend his own money, the double verbiage was written because that is how people speak, not for any drasha.

HAYA BATEIL MIN HASELAH LO YOMAR...

- It was taught that the owner pays him the rate of an idle worker.
 - **Q:** He is actually doing something to return the item, so why is he only paid like an idle worker? **A: Abaye** said, this means that he is paid the amount that someone who was making his wages would take to stop working that harder job, and instead work an easier job.

IHM YEISH SHAM BEIS DIN MASNEH BIFNEYHEM

- **Issur and R' Safra** were in a partnership. When it ended, **R' Safra** went in front of two people and divided the partnership assets (without **Issur** there). When **Issur** complained about the division, **Rabbah bar R' Huna** told **R' Safra**, you must bring the 3 people that you divided the assets in front of, or 2 of the 3, or at least 2 witnesses who saw you do this in front of 3 people. **R' Safra** asked, how do you know this must be done in front of 3? **Rabbah bar R' Huna** answered, we see this from our Mishna, which says that the finder's stipulation must be made in front of 3 people. **R' Safra** said, that case is very different. In that case one person is looking to extract money from another. In the case at hand, I am only looking to take what is already mine, and as such only two people should be needed. In fact, we find that a widow may sell property of her husband's estate not in the presence of Beis Din! **Abaye** said, we have learned that **R' Yosef bar Menyumei in the name of R' Nachman** said, she doesn't need a Beis Din of experts, but she would need a Beis Din of ordinary people.