



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

### Bava Metzia Daf Lamed Gimme!

#### MISHNA

- If one saw his own lost item and the lost item of his father, getting his own lost item takes precedence over that of his father. If one saw his own lost item and the lost item of his rebbi, getting his own lost item takes precedence over that of his rebbi. If one saw the lost item of his father and the lost item of his rebbi, the lost item of his rebbi takes precedence, because his father brought him into this world, but his rebbi taught him wisdom and brings him into the World to Come. However, if his father is also a chochom, then getting his father's item takes precedence.
- If one's father and rebbi are carrying loads and need help putting it down, he should first help his rebbi and then his father.
- If one's father and rebbi were imprisoned, he should first redeem his rebbi and then redeem his father. However, if his father is a chochom, he should first redeem his father and then his rebbi.

#### GEMARA

- **Q:** How do we know that his own lost item takes precedence over that of his father? **A: R' Yehuda in the name of Rav** said, the pasuk says "efes ki lo yihyeh bicha evyon", which teaches that one may worry about his own finances before the finances of others. However, **R' Yehuda in the name of Rav** said, if someone acts in this way, he will end up becoming a poor person.

#### HAYA AVIV V'RABO NOS'IN MASOY...

- A Braisa says, when we mention a rebbi in these terms, **R' Meir** says it refers to his rebbi that taught him Gemara, not the rebbi who taught him Tanach or Mishna. **R' Yehuda** says it refers to the rebbi who taught him most of his wisdom. **R' Yose** says, even a person who explained one Mishna for a person is called his rebbi for these purposes.
  - The Gemara shows that **Rava and Shmuel** both held like **R' Yose**.
  - **Ulla** said, the talmidei chachomim in Bavel stand up for each other and tear clothing upon the passing of one of them. However, with regard to giving a rebbi precedence over a father, they only did so for a "rebbei muvhak" (a primary rebbi).
    - **R' Chisda** asked **R' Huna**, what if the rebbi needs a certain talmid (to help clarify certain matters)? Would this rebbi take precedence over the talmid's father? **R' Huna** thought that **R' Chisda** was referring to himself (as the talmid) with respect to **R' Huna** (as the rebbi). **R' Huna** got upset and responded sharply. They each became upset and did not go visit each other. Ultimately, **R' Chisda** fasted 40 fasts, because he felt that he hurt **R' Huna's** feelings, and **R' Huna** fasted 40 fasts for having suspected **R' Chisda**.
  - We learned, **R' Yitzchak bar Yosef in the name of R' Yochanan** paskened like **R' Yehuda**, and **R' Acha bar R' Huna in the name of R' Sheishes** paskened like **R' Yose**.
    - **Q:** We have learned that **R' Yochanan** always follows an anonymous Mishna, and an anonymous Mishna says the rebbi referred to is the one who teaches his wisdom (which is what **R' Meir** said in the Braisa)!? **A:** When the Mishna says "wisdom" it means most of his wisdom.
- A Braisa says, one who is immersed in the learning of Tanach has accomplished some, but not a lot. One who is immersed in Mishna has accomplished a lot and gets rewarded for doing so. One who learns Gemara, there is no greater accomplishment. Yet, one should always run to learn Mishna more than Gemara.
  - **Q:** The Braisa seems self-contradictory!? **A: R' Yochanan** said, the part of the Braisa that says that Gemara is most important, was taught in the days of **Rebbi**. Eventually,

people stopped learning Mishnayot and only learned Gemara. When he saw this, **Rebbi** then darshened that one should always run to learn Mishna.

- The Gemara brings the drasha of **R' Yehuda the son of R' Illai**, which teaches the importance of learning Gemara.
- **R' Yehuda the son of R' Illai** also darshened a pasuk which shows that learning of Gemara is of the highest level of learning. Still, the pasuk teaches that even those who don't learn Gemara will join in the happiness of Moshiach, and will not suffer any embarrassment.

## HADRAN ALACH PEREK EILU METZIYOS

### PEREK HAMAFKID -- PEREK SHLISHI

#### MISHNA

- If someone gives an animal or keilim to a shomer to watch for him and it is stolen or lost, and the shomer decided to pay the owner for the amount of the item instead of swearing, because the **Rabanan** have said that a shomer chinam may swear and not have to pay, and the ganav is then found, the ganav must pay keifel, and if the item was a sheep or ox and the ganav had sheched or sold the animal, he must pay daled v'hey. To whom does he pay the keifel or the daled v'hey? To the shomer. However, if the shomer decided to swear rather than pay, and the ganav is then found, the ganav would pay the keifel or the daled v'hey to the owner of the item.

#### GEMARA

- **Q:** Why did the Mishna have to specifically mention the case of an animal and the case of keilim? Why wouldn't one have been enough? **A:** If it would only mention animals, we would say in that case the owner of the animal gives over the right to collect the keifel or daled v'hey when the shomer paid instead of swearing, because the shomer expended much effort in caring for the animal, but when the deposit was keilim, where such effort is not expended, maybe the owner does not give over his right to collection of the keifel. If the Mishna would have only mentioned the case of keilim, we would think that in that case the owner gives over his right to collect the keifel, because the value of the keifel is not that significant, but when dealing with an animal, where the possibility to collect daled v'hey exists, maybe he does not give over that right. That is why both cases were necessary to be written.
- **Q: Rami bar Chama** asked, presumably this right to collection would have to be given to the shomer at the time that he is given the deposit to watch. Now, a person cannot be makneh something that is not yet in existence, so how can the owner give over the right to collect the keifel or daled v'hey? Even according to **R' Meir**, who says that a person may be makneh something that is not yet in the world, that is only something like selling fruit that has not yet grown from a tree, because the fruit is likely to grow. In our case, there is no likelihood that the item will later be stolen!? Even if it is stolen, who is to say that the ganav will be caught!? Even if the ganav is caught, who is to say that he will pay the keifel? Maybe he will admit to his sin and be patur from paying the penalty!? **A: Rava** said, it is as if at the time the animal is given to the shomer, the owner tells him, if the animal is stolen and you decide to pay me rather than swear and be patur, my animal should be koneh to you from right now.
  - **Q: R' Zeira** asked, if so, the shomer should even be koneh the shearings and offspring of the animal from that time, and yet a Braisa says that he does not get the shearings and offspring!? **A: R' Zeira** said, it is as if the owner tells the shomer, if you pay instead of swear, you should be koneh the animal from now, but not the shearings and offspring. The reason he would make this distinction is that people more easily give away profits that come from outside sources (like the keifel), but are not as quick to give away profits that come from the body of the animal.
  - **Others** say, that **Rava** said, it is as if at the time the animal is given to the shomer, the owner tells him, if the animal is stolen and you decide to pay me rather than swear and be patur, my animal should be koneh to you from right before the time that it is stolen (that is why he doesn't get the shearings and offspring, because that happened prior to the moment before the theft).

- The difference between this approach of **Rava** and the previous approach of **Rava** is that this second approach is not faced with the question of **R' Zeira**. Another difference would be where the animal was in the swamp (i.e. not in the property of the shomer) right before the theft. According to the second approach, the shomer would not be koneh the animal (it is not around for a kinyan to have been made), whereas according to the first approach he is still koneh the animal (because he was koneh it at the time he received it from the owner).