

25 Tishrei 5776  
Oct. 27, 2016



Bava Metzia Daf 31

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Protecting Land***

Rava said: The verse, *for any lost object of your brother includes the loss of land (he should try to prevent the land from becoming ruined)*.

Rav Chananyah cited a *braisa* to support Rava: If one saw that water was flowing towards someone’s field, he should build a fence in front of it.

Rava said: Perhaps it is no proof to me, for the *braisa* can be referring to a case where there were bundles of wheat piled on the field.

The *Gemora* notes that the novelty of this might be in a case where the bundles still need the ground (*they are still rooted in the ground*). The *braisa* teaches us that they are not treated as ground. (31a)

### ***Running and Grazing On the Roads and Vineyards***

The *Mishna* had stated: If one finds a donkey or cow grazing on the road, it is not a lost object. If he finds a donkey whose vessels are upside down or a cow running through the vineyard, this is a lost object.

The *Gemora* asks: The inferences from the *Mishna* are contradictory!? We may infer from the first part of the *Mishna* that if the animal was grazing on the road, it is not regarded as a lost object, but if it would have been running on the road or grazing in the vineyards, it would

be regarded as a lost object. However we may infer from the latter part of the *Mishna* that it is only regarded as a lost object if it was running in the vineyards, but if it would have been running on the road or grazing in the vineyards, it would not be regarded as a lost object!?

Abaye said: *Its friend sheds light on the other*. The *Mishna* taught us that if the animal was grazing on the road, it is not regarded as a lost object, and the same *halachah* would apply if it would have been grazing in the vineyards. The *Mishna* also taught us that if it was running in the vineyards, it is regarded as a lost object, and the same *halachah* would apply if it would have been running on the road. [*The Mishna is teaching us that if the animal was found grazing, it is not regarded as a lost object; if it was found running, it is regarded as a lost object.*]

Rava asked: If *its friend was shedding light on the other*, should the *Mishna* not have listed the most lenient cases and we would most certainly derive from there the stricter cases!? The *Gemora* explains: If the *Mishna* would have stated that the animal running on the road is regarded as a lost object, we would most certainly derive from there that it is regarded as a lost object if it was running in the vineyards! And if the *Mishna* would have stated that the animal grazing in the vineyard is not regarded as a lost object, we would most certainly derive from there that it is not regarded as a lost object if it was grazing by the road!?

Rather, Rava answers as follows: When we inferred from the first part of the *Mishna* that if the animal would have

been running on the road it would be regarded as a lost object, that is only when it was running towards the wilderness (*away from the owner*), and when we inferred from the *Mishna* that it would not be regarded as a lost object, that is only when it was running towards the city (*the place where the owner resides*). And when we inferred from the *Mishna* that if it would have been grazing in the vineyards, it would be regarded as a lost object, that was only with respect of the land (*which would suffer as a result of the lost animal; he is therefore obligated to return it*), and when we inferred from the *Mishna* that if it would have been grazing in the vineyards, it would not be regarded as a lost object, that was only with respect of the animal, for it will not get injured by merely grazing in the vineyard (*as long as it was not running*).

The *Gemora* asks: But shouldn't the animal be returned because of the loss of land (*as a result of the animal's grazing*)?

The *Gemora* answers: In this case, the land belongs to a Cuthean (*and we are not obligated to be concerned for their land*).

The *Gemora* asks: But should we not be concerned that the Cuthean will kill the animal?

The *Gemora* answers: We are dealing with a case where they warn the owner before killing the animal.

The *Gemora* asks: But perhaps this is the second time (*and the owner was in fact warned already*)?

The *Gemora* answers: If his animal went there a second time, it is regarded as an intentional loss (*and the finder does not need to be concerned about it*). (31a)

### **The Torah's Language**

The *Mishna* had stated: If he returned the animal and it ran away, and he again returned it and again it ran away, even if it happens four or five times, he must keep on returning it, as the verse states, "*You shall surely return.*"

A certain Rabbi asked Rava: Perhaps the Torah only obligated the finder to return it two times?

Rava replied: The word "*return*" indicates that he must return it even a hundred times. From here we only know that it can be returned to the owner's house. How would we derive that it may also be returned to his garden or to his ruins? It is written further: *You shall return them*. This teaches us that it may be returned everywhere. Now, to what kind of garden and ruins may it be returned? If you say that we are referring to a garden which is guarded and to ruins which are guarded, is this not obvious (*are these not equivalent to his house where the Torah already stated that the object can be returned there*)? Rather, it refers to a garden which is guarded and to ruins which are guarded, and the verse is teaching us that it is not necessary to notify the owner (*when returning his lost object*).

This is indeed supported by Rabbi Elozar, for Rabbi Elozar said: In all cases (*when something is being returned*), notification must be given to the owner, with the exception, however, of returning a lost object, as the Torah included many expressions of returning (*hasheiv teshiveim*).

The *Gemora* cites other instances where the Torah writes a similar terminology:

1. *Send away, you shall send away the mother bird.*

One must send away the mother bird even a hundred times (*if she returned before he took its young*). The verse teaches us that he must send



her away even if he wants the young in order to fulfill a *mitzvah* (such as in a case of a *metzora*).

2. *Rebuke, you shall rebuke your friend.*

One must rebuke his friend even a hundred times. The verse teaches us that even a student must rebuke his teacher (if he is committing a transgression).

3. *Help, you shall help with him.*

The verse teaches us that one must help the owner unload his donkey even if the owner is not helping (if he is old or sick).

4. *Raise up, you shall raise up with him.*

The verse teaches us that one must help the owner load his donkey even if the owner is not helping (if he is old or sick).

The *Gemora* explains why it was necessary to teach this by unloading and loading: I would have thought that this would be the *halachah* only by unloading where there is suffering to the animal and there is a monetary loss to the owner – therefore, the Torah needed to teach it by loading as well. I would have thought that this would be the *halachah* only by loading where the owner is obligated to pay the helper - therefore, the Torah had to teach it by unloading as well.

The *Gemora* explains why it was necessary to teach this by unloading, loading and returning a lost object (for these *halachos* are merely teaching us to help protect your friend's property): I would have thought that this would be the *halachah* only by loading and unloading where there is suffering to the owner and to the animal – therefore, the Torah needed to teach it by returning a lost object as well. I would have thought that this would be

the *halachah* only by returning a lost object, where the owner is not with the object (and he cannot help) - the Torah needed to teach it by loading and unloading as well.

5. *He who hit the man shall die, he shall die.*

The verse teaches us that the murderer can be killed in any manner available to *Beis Din*, even if the method prescribed for him is not available (if the murderer was running away and he cannot be executed by sword, he may be killed through the shooting of an arrow).

6. *Smite, you shall smite.*

The verse teaches us that the residents of the idolatrous city can be killed in any manner available to *Beis Din*, even if the method prescribed for them is not available.

7. *Return, you shall return.*

The verse teaches us that the creditor must return the collateral (if the debtor is poor and he needs it – such as a pillow) even if it was taken without *Beis Din's* permission (the creditor seized the debtor's property without going to *Beis Din*).

There is another verse that teaches the same thing. The *Gemora* says that one verse is dealing with a garment (the collateral) that is worn by day, and the other is dealing with a garment worn at night.

8. *Open, you shall open your hand to him.*

The verse teaches us that one should give charity even to poor people that do not reside in his city.

9. *Give, you shall give to him.*



The verse teaches us that one should give charity even if he could only afford a small amount.

10. *Grant, you shall grant upon him severance gifts.*

One might think that if a blessing was apparent in the house since the Jewish servant arrived, he should be given a severance gift, but if not, he does not have to be given a gift. The verse therefore states, *Grant, you shall grant upon him severance gifts*, implying no matter whether there was a blessing or not. Rabbi Elozar ben Azaryah says: If the house was blessed since he arrived, he receives a gift. If not, he does not receive a gift. If so, why does the verse say, *You shall grant*? The Torah merely talks in the way people are accustomed to talking.

11. *Lend, you shall lend to him.*

If a man has no means to support himself, but he does not wish to be maintained out of the charity fund, he should be granted the necessary sum as a loan. This verse teaches us that even if a man has means to support himself, but he does not wish to use his own money, he should be granted the necessary sum as a loan. Rabbi Shimon says: If a man has means to support himself, but he does not wish to use his own money, we do not get involved with him. If so, why does the verse say, *You shall lend*? The Torah merely talks in the way people are accustomed to talking. (31a – 31b)

**QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF**  
to refresh your memory

Q: Why, if the finder of a lost garment has guests, should he not spread it out whether it is for his need or its need?

A: He is opening it up to either an evil eye or tempting people to steal it (*i.e. one of the jealous guests*).

Q: If a *Kohen* sees a lost article in a cemetery, should he enter in order to return it?

A: No.

Q: When will an elderly person be obligated to return a lost article, even if it is beneath his dignity?

A: If he hit the animal (*for he started the returning process*).

**DAILY MASHAL**

A cow running through the vineyards

We have learnt in our sugya that one who finds a cow running through vineyards in a manner suggesting that it is lost must return it to the owner. The Gemara adds that the Torah therefore uses a double wording – “always return them” (*hashev teshivem*) – to teach us that even if the same article gets lost 100 times, we must still return it over and over. In reference to this Gemara, Rabbi Moshe zt”l of Kobrin said that if the Torah warns us to care for another’s property on its way to getting lost, we must certainly never ignore a fellow Jew if we see him wandering in alien fields. “Return them!” You have an obligation to awaken them and return them in *teshuvah sheleimah* (complete repentance) to their Father in Heaven (‘Al HaTorah, Yerushalayim, 5722).