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Bava Metzia Daf 23

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

### ***A Siman That Often Gets Trampled***

Loaves baked by a baker do not have an identifying mark and the one who finds them can keep them.

Homemade loaves are each made differently and therefore have identifying marks on them.

The *Gemora* assumes that one would announce such loaves even if they were found in a public domain.

Rabbah, who holds that an identifying mark which will likely be trampled on is not treated as a *siman*, nevertheless holds that the loaves are announced. This is because people do not pass by food (*they pick it up*) and therefore the identifying mark will not get ruined. Even gentiles do not step on the food because they are concerned about witchcraft.

The *Gemora* concludes that the *Mishna's* ruling must be referring to a case where it is not common for animals and dogs to be there, for otherwise, they would trample on the loaves.

The *Gemora* asks: Are we to say that this difference of opinion between Rabbah and Rava (regarding an identifying mark which will likely be trampled upon) is the same as the dispute between the *Tannaim* of our *Mishna*: Rabbi Yehudah says that any item that is out of the ordinary must be announced. Therefore, if one finds a container of pressed dried figs, but in it is a piece of clay, or a loaf of bread, containing embedded coins, he must announce the item. This implies that the *Tanna Kamma* of the *Mishna* holds that these articles belong to the finder in spite of their unusual feature.

Now the prevailing opinion was then that all would agree that an identification mark which might have come of itself (*by accident – such as the clay in the figs or the coins in the loaves*) is treated as a *siman*, and that one might pass by food (*without picking it up – and therefore they might be trampled upon*). It must therefore be assumed that the *Tannaim* differ regarding an identification mark which is likely to be trampled upon: The *Tanna Kamma* holds that it is not a valid mark, and Rabbi Yehudah holds that it is a valid mark!

Rav Zevid says in the name of Rava: If you suggest that the *Tanna Kamma* holds a *siman* that is often trampled is not a *siman* and that one can pass by food, why would he say in the *Mishna* that home baked bread in the public domain should be announced? [*Its siman will be trampled!*]

Rather, Rav Zevid says in the name of Rava: Everyone holds that a *siman* that is often trampled is a *siman*, and that one can pass by food. Their argument is regarding a *siman* that could have happened by itself. The *Tanna Kamma* says it is not a *siman*, while Rabbi Yehudah says it is a *siman*.

Rabbah will answer: Everyone holds that a *siman* that is often trampled is not a *siman*, and that one cannot pass by food. Their argument is regarding a *siman* that could have happened by itself. The *Tanna Kamma* says it is not a *siman*, while Rabbi Yehudah says it is a *siman*.

Some say: Everyone holds that a *siman* that could have happened by itself is a *siman*, and a *siman* that is often trampled is not a *siman*. They must be arguing regarding whether or not one may pass by food. The *Tanna Kamma*



says one can pass by and Rabbi Yehudah says one cannot pass it by.

Rav Zevid asks in the name of Rava: If the *Tanna Kamma* holds that a *siman* that is often trampled is not a *siman* and one can pass by food, why would he say in the *Mishna* that home baked bread in the public domain should be announced?

Rather, Rav Zevid says in the name of Rava: Everyone holds that a *siman* that is often trampled is a *siman*, and that one can pass by food. Their argument is regarding a *siman* that could have happened by itself. The *Tanna Kamma* says it is not a *siman*, while Rabbi Yehudah says it is a *siman*.

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Rav Zevid says in the name of Rava: The following is a rule regarding lost objects. Once someone says, "Woe is to (me for) my loss of money," he has been "*miya'esh*" -- "given up hope" of ever recovering it (and it may be acquired by the finder if nobody picked it up for him yet).

Additionally, Rav Zevid says in the name of Rava: The law is that small bundles of stalks can be kept if they are found in the public domain. If they are found in a private domain, it depends. If they are found in a manner that suggests that they fell (by accident from the owner), he may keep them. If they were apparently placed there (by the owner), he should take them and announce that they were found. Both of these cases are referring to something that has no inherent *siman*. However, if they have a *siman*, it does not make a difference whether it was found in the public or private domain, or whether it apparently fell or it was purposely placed there. In all of these cases (where the article has a *siman*) he is obligated to announce that they were found. (23a)

### ***Different Types of Simanim***

The *Mishna* discusses strings of fish (that one may keep if he finds them).

The *Gemora* asks: Why isn't the knot on the string a *siman*?

The *Gemora* answers: The case is where it was tied with a commonly used fisherman's knot.

The *Gemora* asks: Why isn't the particular amount of fish on the string a *siman*?

The *Gemora* answers: The number of fish on the string is the normal amount of fish usually found on a string.

They asked Rav Sheshes: Is an amount a *siman*?

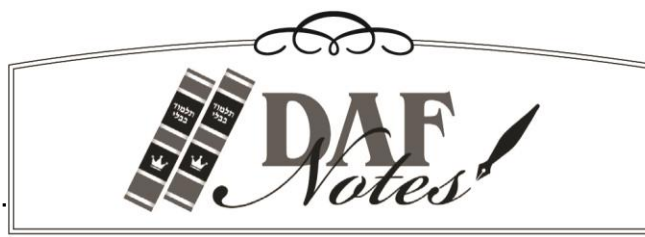
He answered the question from a *braisa*. The *braisa* states: If one found vessels of silver or copper, broken pieces of lead or of any other metal vessel, he should not return it to the person claiming it until he gives a *siman* or he knows how much it weighs. We see from here that if weight is a *siman*, certainly measurements and amounts are *simanim*.

The *Mishna* discusses pieces of meat (that one may keep if he finds them).

The *Gemora* asks: Why isn't the weight a *siman*?

The *Gemora* answers: The case is where it is a standard weight.

The *Gemora* asks: Let the type of piece be a *siman*, such as whether it is a neck or a thigh!? Doesn't the *braisa* say: If someone found pieces of fish or a bitten fish, he must announce it. If he found barrels of wine, oil, grain, figs, or olives he can keep them. [This implies that because there is a specific piece of fish, it is a *siman* and must be announced!]



The *Gemora* answers: The *braisa* is discussing a case where the way the piece was cut is a *siman*. This is similar to Rabbah bar Rav Huna, who would cut three corners on his pieces of meat. We can prove this from the other case mentioned, namely a bitten fish.

The *braisa* stated: If he found barrels of wine, oil, grain, figs, or olives he can keep them.

The *Gemora* asks from the *Mishna* which states that jugs of oil and wine must be announced!?

Rabbi Zeira answers in the name of Rav: The *Mishna* that says one must announce is talking about a case where the barrel has been resealed (*see Rashi*).

The *Gemora* asks: This implies that the *braisa* is discussing a case where the barrel is open. If the barrel is open, it was purposely lost (*by its owner*)! [*The fact that he can keep it is obvious, and does not have to be stated by the braisa!*]

Rav Hoshaya answers: The case of the *braisa* is where he put the lid back on, but did not seal it.

Abaye answers: Both cases are when the barrel was resealed. Before it is the season to open the storehouses and sell the wine, the fact that it is resealed is a *siman*. Afterwards, it is not a *siman*.

This is like the case of Rav Yaakov bar Abba who found a barrel of wine after the season started. He went before Abaye, who told him he could keep it.

Rav Bibi asked Rav Nachman: Is the place where a lost object is found considered a *siman*?

Rav Nachman answered: We learned in a *braisa* that if one found barrels of wine, oil, grain, figs, or olives he can keep them. If the place were a *siman*, he should have to announce it!?

Rav Zevid answers: The case is where it was found by the riverside (*where people often unload wine and forget barrels, meaning that the place is clearly not a siman*).

Rav Mari says: Why did the *Chachamim* say the riverside is not a *siman*? This is because one can say to the person who says this *siman* that just as it happened to you, it might have also happened to someone else.

Others say that Rav Mari said the following. Why did the *Chachamim* say the place is not a *siman*? This is because one can say to the person who says this *siman* that just as you lost something in this place, someone else might have also lost something in this place.

There was a person who found tar by his wine press. He asked Rav what to do. Rav said he could keep it for himself. Rav saw that the person was unsure what to do. He told him to go give his son Chiya half of it (*to show that it was really permitted to keep it*).

The *Gemora* asks: Does this mean that Rav holds the place is not a *siman*?

Rabbi Abba answers: Rav told him he could keep it because he saw that the owner of the barrel must have already been *meyai'esh*, as it had growths on the barrel showing it was there for a long time. (23b)

### **Visual Recognition**

The *Mishna* discusses Rabbi Shimon ben Elozar's opinion.

The *Gemora* asks: What is *anfurya*?

Rav Yehudah answers in the name of Rav: They are new things (*i.e. clothes, vessels*) that he has not yet become familiar with.

The *Gemora* asks: What is the case? If they have a *siman*, even if they are new, it shouldn't matter! If it does not have



a *siman*, even if they are not new it shouldn't matter (*as he has no way to prove it is his*)?

The *Gemora* answers: The case is where it does not have a *siman*. The difference is whether or not he can return it to a rabbinical scholar who says that he recognizes that it is his (*even though it does not have a clear siman*). If it is something that he is familiar with, he has had time to recognize whether or not it is his even without a *siman*. We therefore return it to him. If it is something that is very new and therefore not likely for him to know that it is his (*without a siman*), we do not return it to him. For Rav Yehudah said in the name of Shmuel: There are three matters in which it is customary for rabbis to change from the truth: if they are familiar with a certain tractate, with respect to conjugal relations, and in regards to hospitality (*they will not speak so favorably about a host in order that he will not be bombarded by undesirable guests*).

Mar Zutra explains that if we know that he does not change from the truth except for these three matters, we will return his lost article to him based upon his visual recognition. However, if he lies about other matters as well, we would return his lost article to him solely based upon his visual recognition. (23b – 24a)

#### DAILY MASHAL

##### ***Forgetting your Learning***

A student once said: Everything I learn is lost, for I forget everything! Shouldn't the Holy One, Blessed be He fulfill the *mitzvah* written in his torah and return that which was lost from me?

A wise man answered him: Since you do not review your studies one hundred and one times, your Torah is regarded as an intentionally lost article, and such objects are not required to be returned to their owner!

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

Q: Can one separate *terumah* from someone else's field without his knowledge?

A: No.

Q: When will produce become susceptible to tumah if they became wet by itself?

A: If the owner became aware of it while they were wet and it was pleasing to him.

Q: Is an identifying mark that can be trampled upon treated as a *siman*?

A: This is an argument between Rabbah and Rava.