

Explanation Sheet · 21b

Bava Metzia 21b · 22 entries · pages 12–26

	EXPLANATION SHEET 21b BM 21b.1 (י'אוש שלא מדעת אביי): no word-sheet dictation found in the transcribed classes
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1 Statement numbering restarts

► Westwood · Nov 28, 2011 · 27:13

The Gemara now attempts to clarify the exact case over which Abaye/Rava are arguing.

The Gemara says that in a case where the object that was found had a sign on it, everyone would agree that the finder may not keep it.

Even if we find out that the owner later gave up hope, still the finder may not keep it.

This is because that since the object has a sign we must assume that its owner will not give up hope.

Therefore when the finder finds it, he must return it.

And, therefore, even if the owner gives up hope in the end, it will not take off the obligation to return it.

Same step, other groups: Encino · Jul 10, 2012 ► 32:43 · LINK · Dec 19, 2013 ► 29:55

2 Statement

► Westwood · Nov 30, 2011 · 12:08

The Gemara now explains that if someone found a lost object, that had been taken away from its owner by the tides of the sea or the flooding of a river, the finder may keep it whether or not the owner actually gave up hope.

The reason is because in such a situation, the Torah permits it.

Same step, other groups: Encino · Jul 17, 2012 ► 33:39 · LINK · Dec 26, 2013 ► 16:36

3 Statement

► Westwood · Nov 30, 2011 · 45:09

The Gemara concludes that the case in which Abaye/Rava are arguing is where someone found a lost object that has no sign:

① Abaye.

He holds that since the owner did not yet realize his loss, he did not give up hope. And the finder may not keep it.

② Rava.

He holds that since we know that when the owner realizes his loss, he will surely give up hope. The finder is permitted to keep it and we look at it as if the owner already gave up hope.

Same step, other groups: Encino · Jul 17, 2012 ► 54:04 · LINK · Dec 30, 2013 ► 11:30

4 Question

► Westwood · Dec 5, 2011 · 19:33

① *The Gemara brings from our Mishnah that says: if a person finds scattered fruits, he may keep them.*

② *That even though the owner was not yet aware of his loss, at the time the fruits were found, still the finder may keep them.*

③ *So the reason must be because, since we know that when the owner discovers his loss, he will surely give up hope since fruits have no sign, so we look at it as if the owner already gave up hope.*

④ *Therefore, we can conclude from our Mishnah that giving up hope without knowledge is considered giving up hope.*

⑤ *Therefore, our Mishnah is a proof to Rava and a question on Abaye.*

Same step, other groups: Encino · Aug 28, 2012 ► 33:06 · LINK · Jan 2, 2014 ► 14:31

5 Answer

► Westwood · Dec 5, 2011 · 43:19

① The Gemara answers that this case of the Mishnah has no bearing on the dispute between Abaye and Rava.

② They are arguing about a lost object that the owner was not yet aware of his loss when the object was found.

③ The case of the scattered fruits as explained above by Rav Ukva is talking about where they were found in the gathering place of the Threshing.

④ Since they were few and scattered, the owner, who already knew about them, had already abandoned them when they were found.

(Prior and willful abandonment.)

⑤ Therefore, in such a case, even Abaye would agree to Rava that the finder may keep them.

Same step, other groups: Encino · Sep 4, 2012 ► 39:03 · LINK · Jan 6, 2014 ► 10:41

6 Question

► Westwood · Dec 7, 2011 · 37:42

- ① *The Gemara now brings the case of our Mishnah, that of finding scattered money.*
-
- ② *The Mishnah says that if someone finds scattered money he may keep it.*
-
- ③ *This is so, in spite of the fact, that when the finder found it, the owner did not yet realize his loss.*
-
- ④ *The reason must be because, that since money has no sign, the owner will surely give up hope, when he discovers his loss. So we look at it, as if he already gave up hope.*
-
- ⑤ *This is a proof to Rava, and a question on Abaye.*
-

Same step, other groups: Encino · Sep 4, 2012 ► 58:00 · LINK · Jan 13, 2014 ► 8:31

7 Answer

► Westwood · Dec 7, 2011 · 54:38

- ① *Rabbi Yitzchak said that it is usual for a person to constantly check to make sure that his money is still there.*
-
- ② *The Gemara applies this fact to the case of our Mishnah to say that by lost money we can rely that when the money was found its owner was already aware of its loss and already gave up hope.*
-
- ③ *This is because the owner is always checking for his money. And since money has no sign, he will have already given up hope.*
-
- ④ *Therefore, this case has no bearing on the dispute between Abaye and Rava. Which must be a case where the owner did not yet realize his loss when the object was found.*
-

Same step, other groups: Encino · Sep 11, 2012 ► 44:12 · LINK · Jan 13, 2014 ► 45:38

8 Question

► Westwood · Dec 12, 2011 · 25:05

- ① *The Gemara now brings from our Mishnah. That says: when a person finds round cakes of pressed figs or loaves of a baker he may keep them.*
-
- ② *The Gemara asks: but when they are found the owner did not yet realize his loss, yet still the Mishnah says that he may keep them.*
-
- ③ *The reason of the Mishnah must be: since they have no sign, we rely on the fact that when the owner will discover his loss, he will surely give up hope. So we look at it as if he already gave up hope. And that is why the finder may keep it.*
-
- ④ *Therefore, our Mishnah seems to be a proof for Rava and a question on Abaye.*
-

unclear 26:40 transcript reads 'when the owner We'll discover his loss'; 'will discover' assumed

Same step, other groups: Encino · Oct 23, 2012 ► 37:58 · LINK · Jan 20, 2014 ► 49:51

9 Answer

► Westwood · Dec 12, 2011 · 46:28

① The Gemara answers: due to the fact that round pressed fig cakes / loaves of a baker are a heavy load. Therefore, in a relatively short time, after they are lost, the owner will realize his loss.

② Therefore, we assume that by the time the finder found it, the owner was already aware of his loss and already gave up hope.

③ Therefore, this case has no bearing on the dispute between Abaye and Rava.

Same step, other groups: Encino · Oct 23, 2012 ► 50:23 · LINK · Jan 23, 2014 ► 14:39

10 Question

► Westwood · Dec 14, 2011 · 34:11

① That if you find tongues of purple dyed wool. You may keep it.

② But when the finder found it, the owner did not yet realize his loss.

③ The reason why you can keep it must be because that when the owner discovers his loss. He will surely give up hope.

④ So we see from here that potential giving up hope is enough.

⑤ If so, our Mishnah is a proof for Rava, and a question on Abaye.

Same step, other groups: Encino · Oct 30, 2012 ► 31:00 · LINK · Jan 27, 2014 ► 51:52

11 Answer

► Westwood · Dec 19, 2011 · 6:44

① The Gemara answers: Just as Rabbi Yitzchak said, that it is common for a person to check his purse for his money. So too, it is common for a person to check anything of importance.

② Therefore, since tongues of purple dyed wool are important, it is assumed that the owner will have already checked for them, discovered their loss, and abandoned them before the finder found them.

③ Therefore, this case has no bearing on the dispute of Abaye and Rava.

Same step, other groups: Encino · Oct 30, 2012 ► 46:25 · LINK · Jan 30, 2014 ► 18:21

12 Question

► Westwood · Dec 19, 2011 · 41:47

① The Gemara brings a Braisa that says: If a person finds money in a shul... A house of study... Or, in any place where many people gather. The finder may keep it, because the owner gives up hope.

② The Gemara says, kol leh. When the money was found, the owner was not yet aware of his loss. And still the finder may keep it.

③ The reason must be because, that since we know that the owner will surely give up hope, when he discovers his loss, we look at it as if he already gave up hope.

④ This is a proof to Rava and a question on Abaye.

unclear 43:20 in ② the words after 'The Gemara says' were transcribed 'kol leh' and could not be made out

Same step, other groups: Encino · Nov 6, 2012 ► 41:51 · LINK · Jan 30, 2014 ► 49:54

13 Answer

► Westwood · Dec 21, 2011 · 30:59

- ① Rabbi Yitzchak explains that a person continuously checks for his money.
- ② Therefore, we can assume that by the time the finder found the money, the owner was already aware of his loss and he already gave up hope.
- ③ Therefore, even Abaye would agree that the finder may keep it.

Same step, other groups: Encino · Nov 13, 2012 ► 44:28 · LINK · Feb 3, 2014 ► 36:00

14 Question

► Westwood · Jan 2, 2012 · 22:23

- ① The Torah designates that leket may be taken by the poor people.
- ② Gemara now brings a Mishnah regarding leket to attempt to resolve the dispute between Abaye and Rava.
- ③:
- Ⓐ When is it that any person, rich or poor, is permitted to take the leket?
- Ⓑ The Mishnah answers. After the namoshos have gone through the field.
- ④ The Gemara asks: what are namoshos?
- ⑤ The Gemara brings a dispute between Rabbi Yochanan and Reish Lakish.
- ⑥ Rabbi Yochanan:
- He holds, it is the old men that go through the field. With their sticks,
- ⑦ Reish Lakish:
- He holds. It is the second wave of poor that go through the field.
- ⑧ The Gemara now asks:
- really? Leket is designated for all poor people worldwide.
- ⑨ Even if the local poor give up hope after the Namoshos go through the field. The distant poor have not given up hope.
- since they are not even aware of the Namoshos.
- ⑩ yet still, the Mishnah says. That everyone may take the Leket, after the Namoshos went through the field.

⑪ *the reason can only be because we assume that when the distant poor would find out about the Namoshos, they would surely give up hope.*

⑫ *This is a proof to Rava and a question on Abaye.*

Same step, other groups: Encino · Dec 18, 2012 ► 43:24 · [LINK](#) · Feb 17, 2014 ► 4:22

15 Answer

► Westwood · Jan 2, 2012 · 49:10

① The Gemara answers. That in truth, the distant poor are the first ones to give up hope. On the Leket.

② They reason that by the time that they would reach the field, the local poor will have already taken the Leket.

③ It is only the local poor that depend on the Nemushos to give up hope.

④ Therefore, by the time the Nemushos have gone through the field, all of the poor have already given up hope.

⑤ Therefore, even according to Abaye, any person would be allowed to take the Leket.

unclear 51:25 number for ④ transcribed as 'For'; taken as 'Four'

Same step, other groups: Encino · Dec 25, 2012 ► 48:09

16 Question

► Westwood · Jan 11, 2012 · 1:34

① The Gemara now brings a Mishnah that serves as a question on both Rava and Abaye.

② The Mishnah says:

Ⓐ If someone finds cut dried figs on the road, even if they are next to a field of cut dried figs.

Ⓑ Or, if he finds figs on a road, under a fig tree that stretches out over the road ... In both cases, they are permitted to the finder and they are exempt from tithing.

Ⓒ If someone finds olives / carobs on the road under a tree of olives / carobs that stretches out over the road. They are forbidden.

③ The first part of the Mishnah is a question on Abaye and a proof to Rava.

④ The reason is because we assume that the owner of the figs is not yet aware of his loss when they are found. Yet, the finder may keep them because we assume that when he discovers his loss, he will surely give up hope.

⑤ The end of the Mishnah is a question on Rava.

⑥ The reason is because we assume that when the olives / carobs are found, the owner is not yet aware of his loss.

⑦ Even though when he discovers his loss, he will surely give up hope.

⑧ But since he did not yet give up hope, they are forbidden.

Same step, other groups: Encino · Jan 1, 2013 ► 50:58 · LINK · Apr 10, 2014 ► 37:49 · LINK · May 5, 2014 ► 44:23

17 Answer

► Westwood · Jan 11, 2012 · 41:06

- ① *The Gemara answers that the first part of the Mishnah can be answered according to Abaye.*
-
- ② *Since cut, dried figs are important, the owner frequently checks them, and therefore, when the finder finds them, the owner has already realized his loss. And, has already abandoned them.*
-
- ③ *Regarding figs that fall from the tree, it is common for the tree to drop some of its fruits. Therefore, in anticipation of it, the owner gives up hope. Even before they actually fall.*
-
- ④ *Therefore, even according to Abaye, the fruits are permitted to the finder.*
-

Same step, other groups: Encino · Jan 15, 2013 ► 43:47 · LINK · May 15, 2014 ► 2:57

18 Question

► Westwood · Jan 16, 2012 · 20:59

The end of the Mishnah. Regarding the olives / carobs. Which says that they are forbidden, remains difficult according to Rava.

Same step, other groups: Encino · Jan 29, 2013 ► 34:49 · LINK · May 15, 2014 ► 44:18

19 Answer

► Westwood · Jan 16, 2012 · 35:34

- ① *Rabbi Abahu comes to explain the Mishnah so that it will be good even according to Rava.*
- ② *The end of the Mishnah says that olives / carobs that have fallen on the road are forbidden.*
- ③ *Rabbi Abahu explains that even though it is common for olive / carob trees to drop their fruits, still their owner will not give up hope.*
- ④ *The reason is because the owner is confident that the finder will return the fallen fruits.*
- ⑤ *The reason is because the appearance of the fruit on the ground matches the appearance of the fruit on the tree.*
- ⑥ *Therefore, the owner thinks that the finder will match them up and return them.*
- ⑦ *If so, that the owner does not give up hope, then even according to Rava, the finder cannot keep them.*

Same step, other groups: LINK · May 19, 2014 ► 40:51

20 Question

► Westwood · Jan 18, 2012 · 23:05

① The beginning of the Mishnah says that cut dried figs / fallen figs are permitted to the finder.

② The Gemara now asks: if Rabbi Avahu is correct regarding olives / carobs, that even though they are usual to fall, the owner does not give up hope on them because he relies on the fact that the finder will match up the fallen fruit with the fruit on the tree, if so, then even by fallen figs, we should say the same thing.

③ So why does the Mishnah say that these figs are permitted to the finder?

Same step, other groups: LINK · May 29, 2014 ► 2:58

21 Answer

► Westwood · Jan 18, 2012 · 37:24

Rav Papa answers that Rava could say that the beginning of the Mishnah regarding figs can be explained so it comes out good, even according to him:

- ① Figs, like olives, drop their fruits.
- ② Olives are sturdy and the owner relies on the finder matching them to the fruits of his tree so he does not give up hope.
- ③ Figs are not sturdy and they become disgusting when they fall.
- ④ Therefore, their owner gives up hope on them and they are permitted.

Same step, other groups: LINK · Jun 6, 2014 ► 26:31

22 Question

► Westwood · Jan 23, 2012 · 28:39

- ① The Gemara now brings a Braisa to try and resolve the dispute between Rava and Abaye.
- ② The Braisa says.

I The case:

- (A) A secret thief stole from someone and gave it to another person.
- (B) An open thief stole from someone and gave it to another person.
- (C) The Jordan River took something from someone and deposited it by another person.

II The halacha:

In all three cases, the person who received it may keep it.

- ③ The Gemara says that in the cases of:

- (A) the open thief
- (B) and the Jordan River.

the original owner is immediately aware of his loss, and he gives up hope right away.

④

But, by the case of the secret thief, when the person who received it got it, the owner was not yet aware of his loss.

- ⑤ Yet, still, the Braisa says that he may keep it.
- ⑥ The reason must be because when the owner discovers his loss, he will surely give up hope.

⑦ *So, we see from here that potential giving up hope is enough.*

⑧ *Therefore, this Braisa is:*

Ⓐ *a proof for Rava,*

Ⓑ *and a proof against Abaye.*

Same step, other groups: Encino · Feb 19, 2013 ► 9:15 · LINK · Jun 16, 2014 ► 13:35

Step numbers match the word sheet. He has them write the label next to the number and underline it, then dictates line by line. Σ = a summary he dictates. ► opens the class at that moment.