

Explanation Sheet · 22a

Bava Metzia 22a · 11 entries · pages 29–37

	EXPLANATION SHEET 22a
☐	
☐	BM 22a.1 (וכן ירדן שנטל מזה): no word-sheet dictation found in the transcribed classes
☐	Step 1: explanation not found in the transcribed classes

2 Question

► Westwood · Feb 6, 2012 · 5:28

- ① The Gemara now asks on the answer just given that when the Mishnah above mentions a secret thief, it is really referring to an armed robber.
- ② When an object is taken from its owner against his will and given to someone else, the person to whom it was given may keep it.
- ③ The Gemara asks: if the case of the secret thief is really a case of an armed robber, then that case would be teaching me the exact same principle as the case of the Open Thief.
- ④ This would make the Mishnah redundant. Therefore, it is more logical to assume that the case of the Secret Thief is actually talking about a Secret Thief.
- ⑥ And therefore, the question on Abaye comes back.

unclear 10:49 line ⑤ (between 649 and 664) not captured in the extraction

Same step, other groups: Encino · Feb 26, 2013 ► 31:51 · Encino · Mar 19, 2013 ► 30:38 · LINK · Jul 31, 2014 ► 4:42 · LINK · Aug 4, 2014 ► 46:53

3 Answer

► Westwood · Feb 6, 2012 · 50:17

- ① The Gemara answers. That in truth, the case of the Braisa of the secret thief can be referring to a case of an armed robber.
- ② Regarding the question of being redundant, the Gemara answers that there are two types of open thief:
- Ⓐ An armed robber.
- Ⓑ An open thief.
- ③ The reason the Braisa had to mention both of them is because that if it had only mentioned one and not the other, you might have thought that the din, the law of the din of this Braisa does not apply in the case not mentioned.
- ④ Therefore, the Braisa had to mention both.
- ⑤ Therefore, the Braisa can be learned like either Rava or Abaye, and therefore, the issue remains Unresolved.

unclear 54:21 whether 'the reason why' before line ③ is part of the dictated line

Same step, other groups: Encino · Feb 26, 2013 ► 33:40 · LINK · Jul 31, 2014 ► 7:13 · LINK · Aug 25, 2014 ► 6:22

4 Question

► Westwood · Feb 13, 2012 · 21:47

- ① Mother [?] Braisa to try to resolve the dispute between Abaye/Rava.

② *The Braisa says:*

I The case:

A river flooded away someone's beams, wood or stones and deposited them in someone else's field.

II The din:

The finder may keep them.

III The reason:

The Braisa says that the reason why the finder may keep them is because their owner already realized his loss and already gave up hope on them.

③ *The Gemara now says on this Braisa:*

It says that the finder may keep them only because the owner was already aware of his loss and he gave up hope.

④ *This implies that in a different situation where the owner did not yet realize his loss, the finder may not keep it.*

⑤ *This is in spite of the fact that the object has no intrinsic sign.*

⑥ *Since it has no sign, we know for sure that when the owner discovers his loss, he will surely give up hope.*

⑦ *And even so, the finder may keep it, only if the owner already realized his loss and already gave up hope.*

⑧ *From this we see that in order for the finder to keep it, he must have actual giving up hope, and not potential.*

⑨ *This is a proof for Abaye, and a question on Rava.*

unclear 21:52 first word(s) of line ① ('Mother [?])

Same step, other groups: Encino · Mar 19, 2013 ► 36:10 · LINK · Jul 31, 2014 ► 8:45 · LINK · Aug 25, 2014 ► 6:59

5 Answer

► Westwood · Feb 15, 2012 · 19:21

① *The Gemara answers that Rava could say that this Braisa can be explained to be talking about a situation where the owner of the beams, wood or stones is able to save them even after they are flooded away.*

② *Therefore, it would come out that the Braisa is saying, that the only way we can say, that the finder can keep the beams, is if we know for sure, that he gave up hope.*

③ *But, if not, since he can save it later, we must assume, that the owner would not give up hope.*

④ According to this explanation, the Braisa is not discussing at all, a situation where, the owner will surely give up hope, at a later date, but when the finder found it, the owner did not yet realize his loss.

⑤ Therefore, the Braisa has no bearing on the dispute between Rava and Abaye.

Same step, other groups: Encino · Mar 19, 2013 ► 37:50 · LINK · Jul 31, 2014 ► 9:17 · LINK · Aug 4, 2014 ► 52:04 · LINK · Aug 25, 2014 ► 7:29

6 Question

► Westwood · Feb 20, 2012 · 36:23

① Rava explained the Braisa to be speaking about where the owner was able to save his object later on.

② The owner already gave up hope.

③ The Gemara now challenges Rava's explanation by introducing the end of this same Braisa.

④ There it says: if the owner chased after the object that was floating away, then the finder may not keep it.

⑤ The Gemara says: if this Braisa can be explained like Rava, to be talking about where the owner can save the object later on, then why, in the end of the Braisa, does it say that the finder may not keep it only if the owner did an action such as chasing it to indicate that he does not give up hope.

⑥ If the Braisa is talking about where the owner can save his object later on, then even if the owner would do nothing at all, even so, the finder cannot keep it, since a non-action on the part of the owner does not indicate giving up hope, since the owner relies on saving it later.

⑦ Since the Braisa says the finder cannot keep it, only if the owner did an action like chasing it, which implies his non-action indicates his giving up hope, it must be that the Braisa is talking about where he cannot save it later.

⑧ And even so, in the beginning it says, the finder can keep it, only if the owner already gave up hope.

⑨ Therefore, the proof to Abaye and the disproof of Rava comes back.

Same step, other groups: Encino · Mar 19, 2013 ► 38:45 · LINK · Jul 31, 2014 ► 9:44 · LINK · Aug 4, 2014 ► 52:58 · LINK · Aug 25, 2014 ► 9:52

Step 7: explanation not found in the transcribed classes

Σ Summary

► Westwood · Feb 27, 2012 · 4:05

First part of the Braisa

Stated case

The finder may keep beams, wood, and stones that were flooded away since the owner already knew about it and willfully abandoned it.

Implied case

If the owner did not yet know of his loss and there was no prior willful abandonment, the finder may not keep it.

I First explanation of Braisa

- ① The owner cannot save it later.
- ② If the owner would discover his loss later, he would surely give up hope.
- ③ Still, the Braisa says that prior knowledge by the owner and willful abandonment is required for the finder to keep it.
- ④ Without prior willful abandonment, the finder cannot keep it even though we know that the owner will surely give up hope when he finds out his loss.
- ⑤ (A) A proof to Abaye.
- (B) Disproof to Rava.

II Second explanation of the Braisa

- ① The owner can save it later.
- ② If he discovers his loss later, he would not give up hope.
- ③ Therefore, the finder can keep it only if there was prior knowledge of the owner and willful abandonment.
- ④ Without prior knowledge and willful abandonment, we cannot assume the owner will give up hope.
- ⑤ The Braisa is not talking about where the owner cannot save it later.
- ⑥ Perhaps the Braisa could hold that where the owner cannot save it later, even without prior knowledge and willful abandonment, the finder can keep it, since the owner will surely give up hope.
- ⑦ Therefore, the Braisa is not a proof against Rava.

III Third explanation of the Braisa

- ① The owner can save it later on with great difficulty.
- ② If he discovers his loss later, he will not give up hope.

- ③ Therefore, in order for the finder to keep it, the owner must have prior knowledge and willful abandonment.
- ④ Without prior knowledge and willful abandonment, we cannot assume the owner will give up hope.
- ⑤ The Braisa is not talking about where the owner cannot save it at all later on.
- ⑥ In such a case, the Braisa would hold that even without prior knowledge and willful abandonment, the finder can keep it, since the owner will surely give up hope.
- ⑦ Therefore, the Braisa is not a proof against Rava.

End of the Braisa

- ① If the owner actively chases it, he does not give up hope.
- ② If he just stands passive, he does give up hope.

I Cannot save it later on

The end of the Braisa makes sense.

II Can save it later on

The end of the Braisa makes no sense, since chasing and standing do not indicate giving up hope.

III Can save it later on with great difficulty

The end of the Braisa makes sense.

- Ⓐ The end and beginning of the Braisa must be the same.
- Ⓑ Therefore, the Braisa can be explained either like I or III, but not II.
- Ⓒ If like I, it is a proof to Abaye / a disproof to Rava.
- Ⓓ If like III, no proof to Abaye / no disproof to Rava.

unclear 24:16 'end of the Braisa on the line' — unclear whether this heading is meant to be underlined

8 Question

► Westwood · Mar 19, 2012 · 38:44

Gemara, Daf Chof Beis Amud Alef, ו"ן, line number 15

The Gemara now brings another Braisa to try and resolve the dispute between Abaye / Rava regarding the issue of whether potential giving up hope is enough, or you require prior actual giving up hope.

- ② How is it possible to separate terumah for someone else without prior permission from the owner, and still the terumah should be good terumah?

③ *The Braisa continues:*

Someone went into the field of his friend and separated terumah without prior consent from the owner.

④ *If the owner, upon his discovery of it, considers it to be thievery, it is not good terumah.*

⑤ *If the owner does not consider it to be thievery, it is good terumah.*

⑥ *The Braisa continues by asking:*

How are we to know whether the owner considers it to be thievery or not?

⑦ *If the owner responds, you (the one who separated terumah) should have gone to the better ones.*

Ⓐ *If there are better ones.*

The terumah is good terumah.

Ⓑ *If there are not better ones.*

The truma is not good truma.

The Braisa concludes by saying:

If the owner himself took produce and added it on to the produce that had been separated, then, for sure, the truma is good truma, even if he has no better ones.

⑨ *The Gemara says: even in a situation where the owner had better ones, why should it be that the Truma that was separated, without his permission, should be good Truma?*

⑩ *Since the owner had no prior knowledge of this separation, even if we see clearly his mindset is to be pleased with the separation, even so, we need the mindset to be there from before.*

So we see from this Braisa, that as long as we have a clear indication, later on, to indicate what his mindset would have been from before, we can look at it as if we already had that mindset from before.

This supports the opinion of Rava, who holds that definite potential giving up hope is considered to be as if the person already gave up hope from before.

Therefore, this Braisa is a proof for Rava and a dis-proof for Abaye.

Same step, other groups: [LINK](#) · Jul 31, 2014 ► 11:47 · [LINK](#) · Aug 25, 2014 ► 12:34 · [LINK](#) · Sep 29, 2014 ► 6:35

9 *Answer*

► Westwood · Mar 21, 2012 · 19:06

① *Rava now explains this Braisa in order that it should come out even according to Abaye.*

② *Rava explains that the Braisa is talking about a case where the owner had previously appointed his friend to be his agent to separate Terumah.*

Same step, other groups: Encino · Oct 23, 2013 ▶ 20:15 · [LINK](#) · Oct 30, 2014 ▶ 1:24 · [LINK](#) · Nov 20, 2014 ▶ 19:44

Step 10: explanation not found in the transcribed classes

· Statement

► Westwood · Mar 28, 2012 · 14:45

Gemara, daf chof beis. 18, 17 lines from the bottom

- ① The Gemara now brings a proof to its explanation that our Braisa is talking about where the owner of the field had previously appointed his friend as his agent to separate terumah.
- ② The Gemara brings that the way in which we know that someone can appoint an agent to separate terumah is from the wording of the Pasuk which says:
"also you" ...
- ③ from the extra word: "also" we learn out that you can separate terumah through an agent
- ④ since the appointing of an agent is learned out from the words the word also we compare the separating of terumah through an agent to the separating of terumah by the owner.
- ⑤ Just like when the owner separates his own terumah, it is with his knowledge, so too the separating of terumah through an agent must be with the knowledge of the owner.
- ⑥ So we see that without prior appointment as an agent, the other person cannot separate terumah.
- ⑦ The Gemara continues by going back and explaining the Braisa, which says that the friend separated terumah without the knowledge of the owner.
- ⑧ The Gemara explains that really the owner had already appointed his friend as his agent.
- ⑨ However, the normal way of the owner is to separate terumah from the middle quality produce.
- ⑩ The friend went ahead, without the knowledge of the owner, and separated terumah from better than average produce.
- ⑪ The Braisa is teaching us guidelines to determine when this act can be considered to have been included in his agency, and when not.
- ⑫ If the owner says: you should have gone to the better ones, and he has better ones, this reveals that better than average was included in his agency.
- ⑬ If he does not have better ones, this reveals that what was separated was not included in his agency and the terumah is not good terumah.
- ⑭ since the Braisa is not talking about reading the mindset of the owner based on what he reveals later on, to work retroactively, but only to be discussing what is or is not included in his

prior agency. Therefore, this Braisa has no bearing on the dispute between Abaye and Rava.

unclear 14:45 daf in heading transcribed 'chov b'ez with one dot' (he explains: amud aleph); heading abbreviation 'Hei ... Nun'
= ה"נ

• ... אמימר ומר זוטרא ורב אשי... Statement

► Westwood · Apr 23, 2012 · 27:11

Gemara, daf chof beis dated, אכ"מ, nine lines from the bottom

- ① Ameimar, and Mar Zutra, and Rav Ashi happened to be in the orchard of Mari bar Isak.
- ② The sharecropper of Mari gave them dates and pomegranates.
- ③ Ameimar and Rav Ashi ate them.
- ④ Mar Zutra did not.
- ⑤ Afterwards, Mari came and saw them eating.
- ⑥ He said to the sharecropper. Why didn't you give them from these better ones?
- ⑦ Mar Zutra still refused to eat.
- ⑧ Ameimar and Rav Ashi said to him: Why don't you eat? But we learned in a Braisa that says: If, by terumah, the owner says to his friend who had separated terumah for him from better than average produce: Why didn't you separate from the better ones? And he has better ones, the terumah is good terumah.
- ⑨ Mar Zutra answered, with a teaching of Rava: this response of: you should have gone to the better ones, and he has better ones, is only an indication of being pleased by terumah, since separating terumah is a mitzvah.
- ⑩ but in this case of the sharecropper, perhaps this response was made out of being ashamed to say differently ... but not because the person is really pleased.
- ⑪ Therefore, Mar Zutra refused to eat.

Step 11: not found in the transcribed classes

12 Question

► Westwood · Apr 30, 2012 · 10:58

Gemara, daf chaf beis, [?], ta shma, two lines from the bottom

- ① The Gemara now brings yet another source to try and resolve the issue disputed over by Abaye/Rava regarding whether actual giving up hope is required (Abaye) or potential giving up hope is good enough (Rava).
- ② The Gemara now brings a Braisa which discusses the rule stipulated by the Torah that produce, once it has become disattached from the ground, becomes vulnerable to becoming impure

only if the produce had become wet after it was disattached

③ the Braisa says:

Ⓐ if dew fell on someone's produce and the owner discovered the produce while the dew was still on it, and he is pleased, the produce now qualifies to be vulnerable to becoming impure when coming in contact with a source of impurity.

This requirement of not becoming vulnerable to impurity unless it first came into contact with liquid, is contained in the verse in the Torah that says:

"when it shall be put" ...

Ⓑ The Braisa concludes by saying: if dew had fallen on someone's produce and its owner discovered it after the produce had already dried, even if the owner was pleased with the fact that his produce had been wet with dew, the produce does not qualify to be under the rule of the pasuk that says:

"when it will be put" (when it will be put or when it shall be put, either one), which outlines the prerequisite that detached produce can become impure when coming into contact with a source of impurity only if the produce had previously become wet.

④ The Gemara now explains the apparent reason behind the distinction given by the Braisa that the produce becomes vulnerable to impurity only if the produce was discovered to be wet with dew while the dew was still on the produce but not if the discovery of the dew came after the dew already dried

⑤ the Gemara suggests that the explanation must be that even if the owner discovers the wetting of his produce with dew after it dried and he expresses such satisfaction that it is apparent that he would have surely reacted the same way had he discovered the liquid on his produce while it was still wet, even so the only way that the produce becomes vulnerable to becoming impure through contact with a source of impurity is if he saw the dew while it was still on the produce.

⑥ The reason must be because we do not say that a clear mindset after the fact can create the mindset from before

⑦ Therefore, this Braisa seems to be a support to Abaye and a disproof for Rava

unclear 10:58 heading word transcribed 'dat [?]' (amud?)

Same step, other groups: Encino · Dec 24, 2013 ► 38:30 · Encino · Feb 25, 2014 ► 19:02

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.