

Explanation Sheet · 24a

Bava Metzia 24a · 58 entries · pages 5–5

EXPLANATION SHEET

Page not stated

· אמר מר זוטרא לאהדורי... Answer

► Westwood int. · Jan 13, 2014 · 28:09

① *Mar Zutra answers:*

It applies to the halachic ruling of returning a lost object to a Talmid Chacham based on sight recognition:

I If he does not deviate from the truth, except in the three cases:

The finder may return the lost object to him based on sight recognition.

II If he deviates from the truth, by more than these three things:

The finder may not return the lost object to him based on sight recognition.

· מר זוטרא חסידא אגניב... Statement

► Westwood int. · Jan 22, 2014 · 17:12

① *The Gemara now brings an actual case that happened with Mar Zutra, the pious one.*

② *While he was a guest at an inn, a silver cup was stolen from the innkeeper.*

③ *Mar Zutra saw a young yeshiva student wash his hands and then dry them on the coat of someone else.*

④ *Mar Zutra said [?]. That student must be the thief.*

⑤ *So they tied up the student and he admitted.*

unclear 17:12 in ④, the words after 'Mar Zutra said' were not made out (exact time within 1032–1295 not given)

• ... אם שאלוהו אם... Statement Tosafos

► Westwood int. · Feb 10, 2014 · 39:12

① It begins by bringing the explanation of Rashi regarding what is meant by "the host."

② If people ask someone if his host received him favorably he should say no.

③ Tosfos sources this from a Gemara in Maseches Erchin.

④ It is based on a pasuk in the book of Mishlei:

if someone blesses his friend with a large voice early in the morning, in the evening, it shall prove to be a curse to his friend.

⑤ this means if a guest praises his host, eventually that praise serves as a curse since people will now bother that person.

• ... וא"ת והא אמרינן... Question Tosafos

► Westwood int. · Feb 12, 2014 · 31:22

① Tosfos now brings a Gemara in Maseches Berachos which seems to contradict our Gemara.

② That Gemara says:

A good guest is one who says:

All of the effort expended by my host was done only for my sake.

③ So we see that it is meritorious to praise the host.

④ This contradicts our Gemara, which says that it is wrong to praise the host before others.

• ... וי"ל דהתם מיירי... Answer Tosafos

► Westwood int. · Feb 17, 2014 · 2:03

① The two Gemaros are talking about two different circumstances:

I Our Gemara:

Ⓐ It is talking about praising the host in front of people who will use the information and abuse it by improperly bothering the host.

Ⓑ So, it is better to change from the truth regarding the host as set forth by our Gemara.

II The Gemara in Maseches Berachos:

Ⓐ It is talking about praising the host in front of people who will not take the information, and use it to abuse the host.

Ⓑ Therefore, in front of such people, it is proper to extol the virtues of the host.

① *Our Gemara seems to indicate that the test of honesty, for a Talmid Chacham, is based on the fact that he will only deviate from the truth by the three things mentioned.*

Ⓐ *The tractate.*

Ⓑ *The bed.*

Ⓒ *The host.*

② *Any deviation from the truth beyond these three things disqualifies him from being able to claim a lost object, based on sight recognition.*

③ *Tosfos now brings a Gemara, a Gemara in Maseches Yevamos, that says that it is permitted to deviate from the truth in order to maintain peace.*

④ *Tosfos explains that the reason why that teaching was not brought down by our Gemara ... is because, in truth, that which our Gemara says ... regarding the three things that the Talmid Chacham may change, is because of preserving peace, just like the Gemara in Yevamos.*

⑤ *They are common examples that represent the general rule of changing from the truth, to preserve peace.*

① *The Gemara now brings a Braisa that elaborates on the ruling of Rabbi Shimon ben Elazar in our Mishnah.*

② *The Braisa begins by saying that Rabbi Shimon ben Elazar agrees that if someone finds new vessels that could be recognized by their owner, the finder must announce them.*

③ *The Braisa then goes on to list three examples of new vessels that clearly would not be recognized by their owner:*

Ⓐ *poles of needles.*

Ⓑ *Poles of forks. Used to spin gold threads.*

Ⓒ *strings of hatchets.*

Step None: explanation not found in the transcribed classes

The Braisa concludes by stating that, that which was said above, two that's:

① *That pulls of:*

Ⓐ needles.

Ⓑ or of spinning forks.

② or strings of hatchets.

③ Which are all examples of brand new vessels that you can be certain they would not be recognized by their owner.

④ And therefore: Even if found in a place of Talmidei Chachamim. The finder may keep them.

⑤ This is only if you found one pole or one string.

⑥ But if he found two poles of needles / spinning forks or two strings of hatchets, the finder must announce them since the number is a sign.

unclear 24:30 'that which was said above, two that's' – words garbled

unclear 25:03 'That pulls of' – likely garbled (poles of?), not confirmed

⬢ ... מאי בד' Question

► Adas Torah · May 14, 2014 · 7:13

The Gemara now asks:

What is the meaning of the word: "בד'?"

⬢ ... שוכי Answer

► Adas Torah · May 14, 2014 · 8:12

It means: Branches of a tree.

⬢ ... ואמאי קרו ליה Question

► Adas Torah · May 14, 2014 · 8:32

If so, why is the word: Badei, בד', used to describe these poles, used for carrying needles / spinning forks?

⬢ ... דבר דתלו ביה Answer

► Adas Torah · May 14, 2014 · 9:37

① The word badei became a generic term to describe any vessel used for hanging something upon it.

② Therefore: since the needles / spinning forks hang upon this pole, it is called a בד, bad. It's called a bad.

⬢ ... כי ההוא דתנן Statement

► Adas Torah · May 14, 2014 · 11:28

① The Gemara proves this from a Gemara in Maseches Sukkah, which is discussing various conditions required in order to validate a willow branch to be used on Sukkot in the special ceremony which involves that willow branch.

② The gemara there says:

One leaf on one branch, the branch is still valid.

③ *The word for branch is: but, based on it.*

④ *Therefore, we use the word bad to refer to anything which serves as a vessel upon which something else hangs on it.*

unclear 14:10 ③ 'The word for branch is: but, based on it' – the word after the colon is garbled (likely bad/בד), not confirmed

· ... כו' Statement **Tosafos**

► Adas Torah · May 14, 2014 · 34:02

Tosfos now brings from the Braisa, Braisa brought down in our Gemara that says:

Rabbi Shimon ben Elazar agrees that by brand new vessels, by which the eye of the owner is already satiated, the finder must announce them.

· Statement **Tosafos**

► Adas Torah · May 21, 2014 · 2:36

① *The language of the Braisa brought in our Gemara regarding the ruling of Rabbi Shimon ben Elazar. On finding brand new vessels, is:*

"And Rabbi Shimon ben Elazar agrees by brand new vessels of which the eye has been satisfied. That the finder must announce them."

② *Tosfos implies from the word:*

"and he agrees" ... That, in what the Braisa is saying, about Rabbi Shimon ben Elazar ... In that point that is being made ... Rabbi Shimon ben Elazar agrees with someone.

③ *This implies that in another related ruling Rabbi Shimon ben Elazar does not agree with that person.*

④ *Tosfos explains:*

The someone with whom Rabbi Shimon ben Elazar is agreeing and disagreeing is the Tanna Kamma of our Mishnah. (a.k.a. Rabbi Meir, a.k.a. the Rabbanan.)

⑤ *So, it comes out that the Braisa is saying, When it comes to brand new vessels, by which the eye of the owner is satisfied, Rabbi Shimon ben Elazar agrees with the Rabbanan that the finder must announce them.*

⑥ *... by which the eye of the owner has not yet been satisfied. There is a dispute between:*

Ⓐ *the Tanna Kamma.*

Ⓑ *and Rabbi Shimon ben Elazar.*

⑦ *the ruling of Rabbi Shimon ben Elazar, as clearly stated in the Mishnah. Is that by vessels,*

by which the eye is not yet satisfied of them ... The finder may keep them.

⑧ If so, the implication is that the Tanna Kamma argues with Rabbi Shimon ben Elazar, and they hold, that even by brand new vessels, of which the eye has not yet been satisfied, the finder must announce them.

⑨ Tosfos brings a proof that such an opinion does exist from a Gemara brought down in the previous chapter.

⑩ There, the Gemara brings an incident that happened with Rabbah bar bar Chanah.

⑪ he was an agent of a husband to deliver a divorce document to the man's wife.

⑫ Rabbah bar bar Chanah lost the divorce document in the Beis Hamedrash.

⑬ the get was then found.

⑭ Rabbah bar bar Chanah said to the finder (s): If it is a sign that you require, in order for me to get back my get. I have a sign.

⑮ And if you wish, I can recognize the get, if it is shown to me.

⑯ Tosfos points out that a get is considered to be something which the eye is not satisfied. Since a get is made to be given away, and not to keep for oneself (like poles of needles

⑰ And still, Rabbah bar bar Chana said, They should return it to him because he can recognize it.

⑱ So we see that Rabbah bar bar Chanah ruled. That even by something, that the eye is not usual to recognize. It must be returned to the claimer with sight recognition.

⑲ Rabbi Shimon ben Elazar holds that by a new vessel that the eye is not yet satisfied. You do not return it to someone through sight recognition.

⑳ So, like whom is Rabbah bar bar Chana going like?

㉑ It must be that the Tanna Kamma does not hold like Rabbi Shimon ben Elazar.

㉒ But rather that even if the eye of the person would not have bonded with the object, still, if he says he recognizes it, you must return it to him.

㉓ So, we see that by brand new vessels, by which the eye has not yet bonded, It is a dispute between:

Ⓐ Rabbi Shimon ben Elazar.

Ⓑ and the Tanna Kamma.

If it must be returned with sight recognition or not.

unclear 10:27 start of © not in the transcript; it begins mid-sentence with 'by which the eye of the owner has not yet been satisfied'

unclear 17:31 'parentheses s, close parentheses' after 'said to the finder' — unclear what goes in the parentheses

unclear 19:17 closing parenthesis after 'like poles of needles' not dictated

unclear 21:36 transcript had 'Rabbi Barbar Chano'; written here as Rabbah bar bar Chanah

unclear 23:24 transcript has a question mark after 'You do not return it to someone'; whether he dictated it is unclear

unclear 24:20 name in ② partly unclear in transcript ('Rabbah bar bar Chana [?])

• ... וקשה דלא מצינו. Question **Tosafos**

► Adas Torah · May 26, 2014 · 19:13

① *Tosfos now asks:*

After having implied, from the language of the Braisa.

② *That regarding the case of finding a brand new vessel. By which the eye has been satisfied ... That Rabbi Shimon ben Elazar agrees. The finder must announce it.*

③ *And the words: "he agrees" Imply that in this case he agrees to someone else*

④ *And that someone else is the Tanna Kama of our Mishnah.*

⑤ *From this we can infer that in his other ruling*

⑥ *Namely, in a case where the eye of the owner is not yet satisfied of the vessel*

⑦ *And there Rabbi Shimon ben Elazar rules that the finder may keep it*

⑧ *But in this case He is not agreeing with the Tanna Kama*

⑨ *And the Tanna Kama rules that the finder may not keep it*

⑩ *even though it is a situation where the eye has not yet been satisfied of it.*

⑪ *Tosfos now asks:*

where do we see even a hint to this opinion being stated by the Tanna Kama?

• ... וי"ל דמדנקט במתני'. Answer **Tosafos**

► Adas Torah · Jun 11, 2014 · 1:39

① *Tosfos answers:*

In truth, the opinion of the Tanna Kamma in our Mishnah ... That one must announce brand new vessels. Even if the eye of the owner is not yet satisfied of them. Can be understood from the Tanna Kamma Himself.

② *All the cases listed by the Tanna Kamma are examples of objects by which there would not be, an imprint of the eye.*

③ *Such as:*

Ⓐ Small bundles of wheat.

Ⓑ Round, pressed fig cakes.

Ⓒ Strings of fish.

Ⓓ And loaves of a baker.

④ It is on such objects that the Tanna Kamma holds, that the finder may keep them.

⑤ this implies that objects whose way are to make an imprint of the eye ...

⑥ The Tanna Kamma would hold, that the finder would have to announce them.

⑦ Whether or not the eye has had enough time to be satisfied of them.

⑧ This obligation would be mandatory if this object was found In a place frequented by Torah scholars.

⑨ so ... it comes out, according to the conclusion of Tosfos. That there are 4 categories of new vessels:

I Ⓐ And new ones.

Ⓑ The eye is not satisfied.

Ⓒ The eye would have no imprint.

Everyone agrees: The finder may keep them.

II Ⓐ brand new ones.

Ⓑ the eye is satisfied.

Ⓒ the eye would have an imprint.

everyone agrees: the finder may not keep them.

III Ⓐ brand new ones.

Ⓑ the eye is satisfied.

Ⓒ the eye would not normally have an imprint.

everyone agrees: the finder may not keep them.

IV Ⓐ brand new ones.

Ⓑ The eye is not satisfied.

Ⓒ The eye could have an imprint.

It is a dispute:

ⓐ The Rabbanan:

you must announce it.

ⓑ Rabbi Shimon ben Elazar: You may keep it.

unclear 9:53 | Ⓐ transcribed 'And new ones' (the other categories have 'brand new ones')

unclear 13:22 ||| Ⓒ transcribed 'the eye would not keep it. Normally, have an imprint.' (apparent self-correction)

Ⓢ Statement **Tosafos**

► Adas Torah · Jun 16, 2014 · 13:08

ד"ה

① *Tosfos now brings from our Gemara, which brings a Braisa that clarifies the ruling of Rabbi Shimon ben Elazar regarding the finding of new vessels:*

When you may keep them, and when you must announce them.

② *He now brings the end of the Braisa, which says:*

Even when it is permissible to keep brand new vessels, that is only if you find only one of them.

③ *But if you find two or more of them together, you must announce them.*

Ⓢ ... דמנין הוי סימן... Statement **Tosafos**

► Adas Torah · Jun 16, 2014 · 20:34

① *Tosfos explains that the reason for the ruling in the Braisa that one must announce even brand new vessels is if he finds more than one together.*

② *The reason is because number of objects constitutes a sign.*

Ⓢ ... ומתניתין דקתני מחרוזות... Statement **Tosafos**

► Adas Torah · Jun 23, 2014 · 5:10

① *Our Mishnah enlists several cases, by which the ruling is: the finder may keep the lost object.*

② *The cases are written in plural:*

Ⓐ *Strings of fish.*

Ⓑ *Loaves of a baker.*

③ *So, this would seem to indicate, that even if the finder found more than one object at a time, he may still keep them.*

④ *The reason why the finder may keep these objects is because they have no sign.*

⑤ *If it is true that finding more than one of the same object constitutes a sign.*

⑥ *Then why in our Mishnah does it seem to indicate that the number of objects is not a sign.*

⑦ *On this Tosfos explains:*

If the Mishnah is talking about finding the strings of fish / loaves of a baker in a way indicative of having fallen from their owner. Then, there is surely no contradiction between our Braisa and our Mishnah.

⑧ Really, number is a sign. As indicated in our Braisa,

⑨ However, our Braisa is talking about having found the poles of needles / spinning forks, and so on, in a way indicative of having been placed down.

⑩ Therefore: the fact that more than one item was forgotten and lost, together, at the same time, is something that will be known to the owner.

⑪ and hence can serve as a sign.

⑫ Our Mishnah, however, is talking about having found the items in groups of more than one together. But, finding them in a way that is indicative of having fallen from their owner.

13. Falling from their owner would not afford the owner a knowledge of how many items were lost together. Since it is possible that they fell at separate times.

15. and he will give up hope.

16. Tosfos goes on to say: Even if our Mishnah and Braisa are both talking about finding the multiple items in a way indicative of having been placed down.

17. still. The Mishnah and Braisa do not contradict.

18. Really number is a sign. As in the Braisa.

19. The Mishnah agrees that number is a sign.

20. And when it mentions:

Ⓐ loaves of a baker.

Ⓑ and strings of fish.

21. The Mishnah does not mean to say that the finder found the lost items in groups of two or more.

22. But rather, it is speaking in a collective, general sense:

23. If people find strings of fish. Or loaves of a baker, in general, they may keep them

24. provided that, at the time they found them, only one was found. And not more, since number is a sign.

① Tosfos now brings the Gemara later on. Which discusses the case mentioned in the next Mishnah:

If someone finds:

Ⓐ Piles of fruits.

Ⓑ Piles of money.

He must announce them.

2. The Gemara later on, when discussing this part of the Mishnah. Asks:

Can we prove from here that number is a sign?

3. If the ruling of the Mishnah is that the finder must announce the object, that means that the owner did not give up hope.

4. And if the owner did not give up hope, it must be because the object has a sign.

5. So, the Gemara assumes that since the Mishnah says that he found:

piles of fruit / money,

6. and there must be a sign,

7. that sign must be the number of piles that were found.

8. so it must be that we can infer from this Mishnah that number is a sign.

9. the Gemara then disproves this proof.

10. however, its way of disproving its proof is not by saying that perhaps the use of the plural: "piles", cannot be used as a proof. That number is a sign.

11. But rather, the Mishnah is speaking collectively:

If people find piles of fruits,

12. each person finding only one,

13. As Tosfos wanted to explain in the first Mishnah,

14. That:

Ⓐ strings.

Ⓑ round fig cakes.

Ⓒ loaves.

④ small bundles of wheat.

15. In spite of the fact that it speaks in plural,

16. It is speaking collectively:

If people found:

① strings.

② round fig cakes.

③ and so on.

17. Each person finding only one object.

18. So, Tosfos is really challenging his explanation that in the first Mishnah, it is speaking collectively.

19. Because if it was speaking collectively,

20. The Gemara later on, when commenting on the next Mishnah,

21. Which says piles,

22. And the Gemara thought to prove that number is a sign,

23. And the Gemara disproves its proof,

24. It should have said:

Just as in the beginning. Plural means collective.

25. Here also plural means collective.

26. Because it is very probable that Rabbi Yehuda Hanasi maintains the same style throughout the Mishnayos.

27. Since the Gemara does not answer this.

28. It would seem to indicate that the beginning of the Mishnah is not speaking collectively.

29. Really, we could say, (as Tosfos posits above):

Plural could mean collective.

30. And not finding more than one.

31. The reason why the Gemara did not use that explanation in the end of the Mishnah, is because:

if Rabbi Yehuda HaNasi, was extending his style of collective into the next Mishnah,

32. he should have used the same form of language:

- Ⓐ מעות מפוזרות
- Ⓑ פירות מפוזרים
- Ⓒ מעות צבורות
- Ⓓ פירות צבורות

33. Since the Mishnah writes:

- Ⓐ ציבורי פירות
- Ⓑ and ציבורי מעות

34. It seems that he is deviating from what is being said in the first Mishnah.

35. which was: plural equals collective.

36. but rather, in the second Mishnah, he is not speaking collectively.

37. but rather, literally:

finding more than one pile.

38. indicating that number is a sign.

39. and the disproof to this proof has to be a disproof other than saying: Collective

⬢ Statement וכן היה רבי שמעון...

► Adas Torah · Jul 28, 2014 · 25:39

① The Gemara now continues with the Braisa that it began above with another ruling of Rabbi Shimon ben Elazar.

② | The case:

Rabbi Shimon ben Elazar says:

Ⓐ one who saves an object that was taken by:

- Ⓐ a lion
- Ⓑ a bear
- Ⓒ a leopard
- Ⓓ a polecat

Ⓑ or, from:

- Ⓐ the tides of the sea
- Ⓑ the sweeping away of a river

Ⓒ one who finds an object:

Ⓐ on a large highway

Ⓑ in a large plaza

Ⓒ any place where many people are found

II The ruling:

the person may keep the object.

III The reason:

the owners give up hope.

⬢ ... איבעיא להו כי... Question

► Adas Torah · Jul 30, 2014 · 14:43

① In the Braisa just mentioned in the Gemara, Rabbi Shimon ben Elazar says that losing an object in a place in which many people are found will cause the owner to give up hope.

② The Gemara now brings that the Amoraim had the following uncertainty on this ruling of Rabbi Shimon ben Elazar, called it.

when he mentioned that a lot of people causes a person to give up hope and is lost object:

Ⓐ Did he mean to say that only if the place contained mostly non-Jews?

Ⓑ But by mostly Jews, the owner would not give up hope.

③ or did he mean to say:

Ⓐ not only by mostly non-Jews the owner would give up hope,

Ⓑ but even by a place of mostly Jews, he would also give up hope.

unclear 15:50 end of ②: 'called it' unclear

unclear 16:20 'and is lost object' unclear (possibly 'on his lost object')

⬢ ... כי קאמר ברוב... Statement Tosafos

► Adas Torah · Jul 30, 2014 · 26:13

① Tosfos now brings from our Gemara which expressed the uncertainty of the Amoraim as to what was meant by Rabbi Shimon ben Elazar when he said:

if a person loses an object in a place of a lot of people, he will give up hope on his object.

② did he mean? Only if the place was mostly non-Jews, then the finder can assume that the owner gave up hope and the finder may keep the object and so on.

⬢ ... וא"ת א"כ מה... Question Tosafos

► Adas Torah · Aug 11, 2014 · 3:08

① Tosfos now asks:

I saw, Rabbi Shimon ben Elazar says that if you find a lost object in a place with a lot of people, the finder may keep it.

② *He gives as his reason that the finder may keep it because of the fact that since the object was lost in a place with a lot of people, that causes the owner to give up hope.*

③ *The Gemara now asks: Does "a lot of people" refer to*

Ⓐ *only mostly non-Jews*

Ⓑ *or even mostly Jews.*

④ *Tosfos asks:*

of course, Rabbi Shimon ben Elazar must be speaking about finding the lost object in a place of mostly Jews.

⑤ *because in that case, we may assume that the lost object fell from a Jew, since the place contains mostly Jews.*

⑥ *and since the object has a sign, you should have to return it, were it not for the fact that the owner gives up hope.*

⑦ *and the reason he gives up hope is because it was lost in a place of many people.*

⑧ *since the object was lost in a place of mostly Jews,*

⑨ *and it has a sign,*

⑩ *and we must assume it fell from a Jew,*

⑪ *we must justify the ruling of, the finder may keep it, by saying that due to the presence of many people, the owner gives up hope.*

⑫ *but if the object was lost in a place of mostly non-Jews, it would not be necessary to justify the ruling of the Temple. The finder may keep it by saying that the owner would give up hope because it was found in a place of many people.*

⑬ *behold, if the object was found in a place of mostly non-Jews, the finder may keep it hence we can assume that the object fell from a non-Jew.*

⑭ *in which case, the finder may keep it whether or not the non-Jewish owner gave*

⑮ *as a justification as to why the finder may keep it is because the owner will surely give up hope because of the presence of many people.*

⑯ *Obviously, he can only be speaking of a place of mostly Jews,*

⑰ where it is assumed that the object fell from a Jew.

⑱ And therefore, giving up hope is a prerequisite

⑲ in order for the finder to keep it.

So why did the Amoraim have an uncertainty as to whether Rabbi Shimon ben Elazar was talking about non-Jews or even mostly Jews?

unclear 3:16 'I saw' at start of the line after ① unclear

unclear 6:20 'of course' after ④ unclear

unclear 11:40 ⑫ 'the ruling of the Temple' garbled (probably 'the ruling of, the finder may keep it')

unclear 13:34 ⑭ cut off after 'gave' (rest not made out)

unclear 14:14 ⑮ beginning of the line appears missing

unclear 16:51 number of the last step unclear (transcript: '21. Last step, number 19')

· ... וי"ל דאיצטריך דאפילו. **Answer** **Tosafos**

► Adas Torah · Aug 13, 2014 · 17:46

① Tosfos answers:

It is possible to say that Rabbi Shimon ben Elazar might have been talking about finding the lost object in an area that is mostly non-Jews.

② and it is still necessary for Rabbi Shimon ben Elazar to require the reason of giving up hope to justify that the finder may keep it.

③ while it is true that if an object is found in a place of mostly non-Jews and it is not known from whom the object fell, the finder may keep it with the assumption that it fell from a non-Jew, to which there is no obligation to return the object.

④ but in a situation where the finder knows for sure that the object fell from a Jew

⑤ if the object is found in a place of mostly non-Jews, the finder may keep it because the owner will give up hope because he reasons:

Ⓐ maybe a non-Jew will find it and I will never get it back,

Ⓑ and even if a Jew will find it, the Jew will think that my object really fell from a non-Jew and he will keep it,

⑥ so since it is possible to explain Rabbi Shimon ben Elazar to be talking about finding the object in a place of,

Ⓐ mostly non-Jews,

Ⓑ or maybe even mostly Jews,

⑦ that is why the Gemara has an uncertainty as to what Rabbi Shimon ben Elazar meant by "a lot of people".

· ... אפילו ברוב ישראל. Statement Tosafos

► Adas Torah · Aug 13, 2014 · 35:36

Tosfos now brings from the Gemara that had a question regarding Rabbi Shimon ben Elazar, that when he said that losing an object in a place with a lot of people causes the owner to give up hope, that perhaps he meant even if the object was found in a place of mostly Jews.

· ... הרי שלו וטעמא. Statement Tosafos

► Adas Torah · Aug 18, 2014 · 41:42

Tosfos explains the reason why a person might give up hope, even if he loses an object, in a place of mostly Jews, is because the owner is afraid that amongst the people are people of ill repute who will find and take the object for themselves.

· Answer Tosafos

► Adas Torah · Aug 18, 2014 · 2:26

① Tosfos answers: It is possible to say that Rabbi Shimon ben Elazar might have been talking about finding the lost object in an area that is mostly non-Jewish.

② And it is still necessary for Rabbi Shimon ben Elazar to require the reason of: "giving up hope" to justify that the finder may keep it.

③ While it is true, that if an object is found in a place of mostly non-Jews, and it is not known from whom the object fell, the finder can keep it with the assumption that it fell from a non-Jew. To which there is no obligation to return the object.

④ But, in a situation where the finder knows for sure that the object fell from a Jew.

⑤ If the object is found in a place of mostly non-Jews, the finder may keep it, because the owner will give up hope.

⑥ Because he reasons:

Ⓐ Maybe a non-Jew will find it, and I will never get it back.

Ⓑ And even if a Jew will find it, the Jew will think that my object really fell from a non-Jew. And he will keep it.

⑦ So, since it is possible to explain Rabbi Shimon ben Elazar to be talking about finding the object in a place of

Ⓐ Mostly non-Jews.

Ⓑ Or even mostly Jews.

⑧ That is why the Gemara has an uncertainty as to what Rabbi Shimon ben Elazar meant.

Rabbi:

"A lot of people"...

unclear 10:34 'Rabbi colon' before the quote in ⑧ is unclear (possibly 'by:')

· ...אם תמצא לומר. Question

► Adas Torah · Aug 25, 2014 · 3:59

① The Gemara now asks... another question... based on the ruling of... Rabbi Shimon ben Elazar. In the Braisa... that if a person loses something... in a place of many people... the owner will give up hope on his object... even if it has a sign.

② The Gemara... just asked:

When Rabbi Shimon ben Elazar said: "a lot of people" causes the owner to give up hope. Does it mean:

Ⓐ Only, mostly non-Jews.

Ⓑ Or even, mostly Jews.

③ Now, the Gemara asks a second question.

④ However, the Gemara prefaces its second question by saying "אם תמצא לומר"

"If you will find to say"

⑤ This means that the Gemara is asking another question, but the second question is only a question contingent on the outcome to the first question.

⑥ In other words, the question is only a question if the resolution to the first question comes out in only one of the two possibilities listed above.

⑦ If it comes out like the other way, then there would be no second question.

⑧ The first question was:

Whether Rabbi Shimon ben Elazar, who says you may keep the object if it was lost in a place of a lot of people, was:

Ⓐ Dividing the ruling between,

Ⓐ mostly non-Jews, (you may keep it)

Ⓑ and mostly Jews, (not keep it)

Ⓑ Or maybe, he rules his ruling by both:

Ⓐ mostly non-Jews.

ⓑ and mostly Jews.

(line connecting ⓐ and ⓑ) And you may always keep it.

⑨ So Gemara now says: if the first question will ever be resolved.

⑩ And it will come out that Rabbi Shimon ben Elazar ruled his ruling

Ⓐ only by mostly non-Jews.

Ⓑ but not by mostly Jews.

⑪ Then, we do not have this other question. (i.e., 8A)

⑫ But, if it will come out that Rabbi Shimon ben Elazar does not differentiate between Jews and non-Jews. Mostly Jews.

⑬ And he rules the finder may always keep it.

⑭ And there is a second question:

Ⓐ Do the Rabbanan argue on Rabbi Shimon ben Elazar?

Ⓑ Or do they not argue?

unclear 38:35 addition to ⑪ ('IE, in other words, 8A') – exact wording to write not clear

· ... ואם תמצא לומר. Question

► Adas Torah · Aug 27, 2014 · 34:45

① The Gemara now asks a third question.

② This question, too, is only a question contingent on the outcome of question number two.

③ In other words: Just as above, the answer to the first question must come out to be specifically like only one of the two ways posited in that question in order for the next question to be a question,

④ Now also, in this third question, it is only a question if question number two will be resolved specifically like one of the two ways.

⑤ But if question number two is resolved like the other way, then there will be no question number three.

⑥ As mentioned above, question number two was, whether the Rabbanan argue on Rabbi Shimon ben Elazar or not.

⑦ Question number three is, if the answer to question number two will ever be resolved, that the Rabbanan do indeed argue on Rabbi Shimon ben Elazar, and they hold that the owner might be an optimist.

⑧ Then for sure, they would argue, by mostly Jews, that the finder must announce the lost object.

⑨ The question is: do the Rabbanan hold that the finder must announce the lost object? Even by mostly non-Jews or not?

◻ ... ואם תמצא לומר. Question

► Adas Torah · Sep 1, 2014 · 13:55

① The Gemara now asks a fourth question.

② Just as the previous two questions were conditional questions that were contingent on the answer to the previous question as to whether the question is a question or not.

③ So too, question number four is a question contingent on the answer to question number three.

④ Question number three was: If the Rabbanan argue on Rabbi Shimon ben Elazar and they hold that the owner does not give up hope on his object when he loses it in a place of many people:

Ⓐ is it only by a place of mostly Jews?

Ⓑ or even in a place of mostly non-Jews?

⑤ The next question will not be a question at all if the answer to the previous question is, that the Rabbanan argue on Rabbi Shimon ben Elazar,

Ⓐ only by mostly Jews?

Ⓑ but they agree that by mostly non-Jews, the finder may keep it.

⑥ But if it will come out, that the answer to question number 3 is that the Rabbanan argue on Rabbi Shimon ben Elazar, even by mostly non-Jews?

⑦ and the finder must always announce the object.

⑧ then it would come out that the dispute between

Rabbi Shimon ben Elazar

and the Rabbanan is:

I Rabbi Shimon ben Elazar:

the finder may always keep the found object whether by

Ⓐ mostly non-Jews

Ⓑ and even by mostly Jews

II the Rabbanan:

The finder must always announce the found object.

Ⓐ by mostly Jews.

Ⓑ and even by mostly non-Jews.

⑨ then the Gemara asks a fourth question.

Ⓐ Is the ruling like Rabbi Shimon ben Elazar?

Ⓑ or is it like Rav Huna?

unclear 16:12 transcript has 'argue, I'm Rabbi Shimon' – written as 'argue on'

unclear 24:04 ⑨: he says 'number 5 circle' (sheet mention says number nine); first said 'has a fourth question' then 'asks'; 'Rav Huna' in Ⓑ likely misheard (expected the Rabbanan) – not confirmed

Step None: explanation not found in the transcribed classes

5 Question

► Adas Torah · Sep 8, 2014 · 0:35

① The Gemara now asks a 5th and final question.

② This question also is a question which is conditional to the answer to question number 4.

③ Question number four was?

Ⓐ Ⓐ Is the ruling like Rabbi Shimon ben Elazar? Who holds that? A person who lost his object. In a place of many people will always give up hope.

Ⓑ Even by mostly Jews.

Ⓑ Ⓐ Or like the Rabbanan, who hold that a person is always an optimist.

Ⓑ Even by mostly non-Jews.

④ The Gemara now says: If the ruling is like the Rabbanan, then that will be the ruling. And there is no fifth question.

⑤ But, if the ruling is like Rabbi Shimon ben Elazar, then we have the following question.

Ⓐ Do we hold like Rabbi Shimon ben Elazar? By both.

Ⓐ mostly non-Jews.

Ⓑ and mostly Jews.

Ⓑ Ⓐ Or, do we rule like Rabbi Shimon ben Elazar? Only by mostly non-Jews.

Ⓑ but by mostly Jews, we rule like the Rabbanan, that you must announce the object.

· Statement **Tosafos**

► Adas Torah · Sep 8, 2014 · 16:40

(Dibbur Hamaschil)

Tosfos now brings question number three of the five questions:

- ① If the Rabbanan argue on Rabbi Shimon ben Elazar,
- ② and they hold that the owner of the lost object is an optimist.
- ③ Even when he loses his object (with a sign) in a place of many people.
- ④ (A) Is it only by mostly Jews?
- (B) but by non-Jews, they would agree that the owner is a pessimist, and the finder may keep it.
- (C) or is it even by mostly non-Jews? And even then, the owner would not give up hope.

• ... להך גירסא מספקא. Statement Tosafos

► Adas Torah · Sep 15, 2014 · 48:14

- ① Tosfos points out. That according to the text of our Gemara, we have an uncertainty whether the Rabbis argue on Rabbi Shimon ben Elazar altogether even by mostly Jews.
- ② Tosfos now brings another text found in certain other Gemaras that is different than the text brought in our Gemara.
- ③ That other text reads:
- (A)
- (B) Do the Rabbis argue on him by mostly non-Jews or not?
- ④ The question is:
- (A) if you will find to say that Rabbi Shimon ben Elazar holds, that the finder may keep the lost object, even if it was found in a place of mostly Jews. (this is the explanation of number 3A above)
- (B) do the Rabbanan argue on him by mostly non-Jews or not? (this is the explanation of number 3B above)
- ⑤ Tosfos explains that according to this text, there was never a doubt. As to whether the Rabbanan argue, on Rabbi Shimon ben Elazar.
- ⑥ And without question, the Rabbanan hold that by mostly Jews, the finder must announce it.
- ⑦ And they are not concerned for Jewish people of ill repute.
- ⑧ The Gemara only questions whether the Rabbanan argue on Rabbi Shimon ben Elazar. Even by mostly non-Jews. And even in such a case, the Rabbanan hold, the finder must announce it.

unclear 48:14 the text of line ③(A) is missing from the extraction (only 'A circle' is recorded)

unclear 48:14 after ⑤ the extraction has 'Six circle. There was never a doubt as to whether the Rabbanan argue on Rabbi Shimon ben Elazar.' and then 'Six circle' again; it is unclear whether this repeated sentence is part of ⑥ or a restatement

• ... וכן נראה דהא. Statement Tosafos

► Adas Torah · Sep 29, 2014 · 6:45

- ① Tosfos now brings a proof to support the second text.

② The next Mishnah talks about those objects that when found, the finder must announce them.

③ All of the cases mentioned involve some type of an identifiable sign.

④ One of the cases mentioned is finding small bundles of wheat.

⑤ And the Mishnah says that it's ruling of:

The finder must announce it.

Only applies to small bundles of wheat found in a private place.

⑥ This implies that all of the rest of the cases are talking about whether the object mentioned was found

Ⓐ in a public place.

Ⓑ or in a private place.

since, by these other cases, it does not specifically mention in a private place, as it does by small bundles of wheat.

⑦ so we see that the Mishnah holds that even if an object (with a sign) is found in a public place, where many people are found, still, the owner would not give up hope, and the finder must announce it.

⑧ So we see, that the Mishnah holds, that in spite of there being many people, the owner is an optimist.

⑨ If so, then if Rabbi Shimon ben Elazar holds, that a person is always a pessimist. Whether by:

Ⓐ mostly non-Jews.

Ⓑ and even mostly Jews.

⑩ Then for sure, there is an opinion of the Rabbanan, that a person is an optimist.

⑪ Therefore, the second text seems to be more correct than the first one.

□ ... ודוחק הוא להעמיד בסמטא... Statement Tosafos

► Adas Torah · Oct 27, 2014 · 2:42

① Tosfos suggests that maybe, we could negate this proof by explaining that:

Really, the Mishnah, in spite of the fact that it does not differentiate between

Ⓐ a private place.

Ⓑ and a public place.

Regarding the obligation to return a lost object with a sign (except by small bundles of wheat).

② *It is because the Mishnah holds that.*

Ⓐ *Not only must the finder return a lost object with a sign when found in a private place.*

Ⓑ *But also in the public place, if it is found by the side of the public place.*

Ⓒ *in which case there is not found multitudes of people.*

③ *But maybe if a person found a lost object with a sign, in a public place itself, the Mishnah could hold, that the finder may keep it.*

④ *And therefore, even the first text of Tosfos could be correct.*

⑤ *As we are no longer forced to say, that there is a Mishnah which holds, that if you find a lost object with a sign, in the public place, you must denounce it.*

⑥ *However, Tosfos says that the say, that the Mishnah is talking about finding the lost object on the side of the public place is a stretch.*

⑦ *And therefore, it is better to say that it is talking about finding the object in the actual public place.*

⑧ *And still you must denounce it.*

unclear 2:42 opening of the line after ① — transcript has 'really?'; whether he meant 'Really,' or a question is not clear

unclear 8:59 'that the say' in ⑥ is garbled (possibly 'that to say')

unclear 8:09 'denounce' in ⑤ and ⑧ as in transcript (possibly 'announce')

Step None: explanation not found in the transcribed classes

Step None: explanation not found in the transcribed classes

Step None: explanation not found in the transcribed classes

Step None: explanation not found in the transcribed classes

• [Answer](#)

► Adas Torah · Nov 17, 2014 · 6:15

① *The Gemara now attempts to resolve part of the five questions based on a Braisa.*

② | [The case:](#)

Someone found money:

Ⓐ *in a shul.*

Ⓑ *or in a house of study.*

Ⓒ *or in any place in which many people are found.*

II The ruling:

the finder may keep the money.

III The reason: The owner gives up hope.

③ The Braisa says that the owner gives up hope when the object was lost in a place where many people are found.

④ As we learned above, it is Rabbi Shimon ben Elazar who holds that a person gives up hope when he loses something in a place with many people.

⑤ So, this Braisa goes like Rabbi Shimon ben Elazar.

⑥ And it says that money found in a place with a lot of people.

Ⓐ even in a shul.

Ⓑ or house of study.

May be kept by the finder as the owner gives up hope.

⑦ So we see that Rabbi Shimon ben Elazar holds that even in a place of mostly Jews, still the owner gives up hope.

unclear 10:52 the transcript has 'eight circle' before 'even in a shul'. It is followed by 'B circle', so it was taken as Ⓐ.

· מאן שמעת ליה... Statement **Tosafos**

► Adas Torah · Nov 17, 2014 · 23:52

[ר"ה]

① Tosfos now brings from the Gemara that says:

who would be the author of our Braisa (which talks about spending money in shuls, houses of study, and so on)

② that holds, that if you find something in a place where there is a lot of people, you may keep it

unclear 27:20 'spending money' is as transcribed. The Braisa is about finding money, but nothing he said confirms a correction.

· פירוש גבי מציאה... Statement **Tosafos**

► Adas Torah · Nov 19, 2014 · 41:33

① In order to identify the author of the Braisa, the Gemara says:

Who is the one that you hear to him that he goes after the majority?

② This particular phrase: "goes after the majority." Is used in other places.

③ Systemically, it refers to the dispute between.

Ⓐ Rabbi Meir.

ⓑ And the Chachamim.

④ Whether we can resolve an uncertainty based on.

Ⓐ majority.

ⓑ Or we must be concerned for the minority.

⑤ For example, the Torah holds:

If a man dies, leaving his wife childless, the widow must marry her dead husband's brother, unless he releases her by giving her chalitzah.

⑥ If the widow or the dead husband's brother cannot have children, the obligation of marriage is cancelled. And not permitted.

⑦ If the dead husband's brother is a minor at the time there is a dispute whether or not he can marry the woman.

I Rabbi Meir:

Ⓐ He holds that the minor may not marry the woman.

ⓑ Since he is a minor he will turn out to be someone who cannot have children.

ⓒ Thereby, exempting him from this obligation.

Ⓓ Even though the majority of people can have children.

Ⓔ Still we are concerned for the minority.

II v'Chachamim:

Ⓐ we go after the majority.

ⓑ and marrying is permitted.

⑧ usually when the Gemara mentions the words: "we go after the majority." It is referring to this dispute.

⑨ however. Tosfos says, that here, this expression: "we go after the majority." Is not referring to that dispute.

⑩ But rather, it is to be understood: who is it? That says, we go after the many, by lost objects, thereby causing the owner of the lost object to give up hope.

unclear 43:17 'Systemically' is as transcribed; the intended word is uncertain.

① The Gemara wanted to resolve its question regarding whether Rabbi Shimon ben Elazar holds that losing an object in a place in which there are found many people. Causes the owner to give up hope...:

Ⓐ Only by mostly non-Jews.

Ⓑ or even mostly Jews.

② The Gemara wanted to resolve It, from the Braisa which talks about finding money in shuls, which is a place of mostly Jews. And still the finder may keep it.

③ So the Gemara assumed that the money that was found in the shul was with a sign.

This is the author of the Braisa. Can only be Rav Yishim and Beneluzar.

⑥ so we see that he holds that even by mostly Jews, the Gemara only gives up hope.

⑦ the Gemara now disproves its proof.

⑧ That the case of the Braisa is talking about where the money found in the shul was scattered money.

⑨ since scattered money has no sign, the owner gives up hope and that is why the finder may keep it.

⑩ If so, the Braisa would have nothing to do with Rabbi Shimon ben Elazar.

unclear 35:28 Lines ④ and ⑤ were not captured. The transcript has only 'This is the author of the Braisa. Can only be Rav Yishim and Beneluzar' (garbled name, probably Rabbi Shimon ben Elazar).

unclear 35:52 'the Gemara only gives up hope' is garbled; the intended subject (the owner) and wording are unclear.

① The Gemara now disproves its explanation that it gave to explain that the Braisa is talking about scattered money.

② If it would be true that the Braisa is talking about scattered money

③ And the reason why the Finder may keep it is because the Owner gives up hope. Due to the fact that the money has no sign.

④ If so, why would the Braisa mention the example of? Keeping the money. If it is found in any place where the many are found.

⑤ If the money was scattered money, without a sign, the finder may keep the money, even if he found it in a place where many people are not found.

- ① *The Gemara begins by stating: Really ... the Braisa is talking about finding money that was tied up, which is a sign.*
- ② *Yet, still, we cannot resolve the position of Rabbi Shimon ben Elazar from this Braisa.*
- ③ *The reason is because that the words "בתי כנסיות" found in the Braisa could be understood to mean houses of gatherings.*
- ④ *This could refer to a gathering place of non-Jews.*
- ⑤ *Since the words בתי כנסיות could refer to:*
 - Ⓐ *shuls,*
 - Ⓑ *or, houses of gatherings of non-Jews.*
- ⑥ *We cannot resolve from this Braisa if it is saying that the owner who lost the money is giving up hope because he lost it in a place of many people who are:*
 - Ⓐ *Jews,*
 - Ⓑ *or only non-Jews?*
- ⑦ *Therefore, at the moment, the clarification of the true position of Rabbi Shimon ben Elazar remains unresolved.*

- ① *The Gemara now asks:*

[two Hebrew words, unclear]

can be explained in two different ways ...

(And therefore the Braisa does not seem to be able to clarify the issue of Rabbi Shimon ben Elazar by mostly non-Jews or mostly Jews.)
- ② *However, another example brought by the Braisa is money found in houses of study.*
- ③ *Here, surely it is talking about a place of mostly Jews.*
- ④ *And still, the Braisa holds that the finder may keep the money.*
- ⑤ *This can only be understood to be saying:*
 - Ⓐ *If someone loses money,*
 - Ⓑ *with a sign,*

Ⓒ in a place of a lot of people,

Ⓓ even mostly Jews,

Ⓔ the finder may keep the money,

Ⓕ since the owner gives up hope,

⑥ so we can conclude based on this Braisa that Rabbi Shimon ben Elazar holds that a lot of people causes someone to give up hope even if they are mostly Jews.

unclear 19:00 The two Hebrew words written in the middle of the line are garbled in the transcript ('Yud, Vav, Tof, Beis, Tei, Kin, Nei, Si, Os'). They possibly mean בתי כנסיות, but this is not confirmed.

unclear 27:16 Where the parenthetical line goes is uncertain. He said it goes 'at the end of number one'.

□ ... השתא דאתית להכי Statement

► Adas Torah · Jan 12, 2015 · 3:57

① The Gemara above said that even if the Braisa, regarding finding money with a sign, that was lost in...

בתי כנסיות

② And that the finder may keep the money, since the owner gives up hope.

③ which would seem to indicate that even a presence of many Jews is enough to make the owner give up hope.

④ Since בתי כנסיות ... means shuls.

⑤ However, a conclusive proof cannot be brought from here.

⑥ Since בתי כנסיות could also support the meaning of:

"houses of gatherings" of non-Jews

⑦ in which case it would come out that the Braisa would be saying the opposite

⑧ that only in a place of mostly non-Jews, the owner gives up hope

⑨ but not in a place of mostly Jews

⑩ the Gemara then tried to prove its original point, that Rabbi Shimon ben Elazar holds that a person gives up hope on his lost object. Even if it is lost in a place of mostly Jews, from the case of:

בתי מדרשות

⑪ here too the Gemara said it is not a proof

⑫ since בתי מדרשות could be referring to houses of study outside the city, in which there is a that is causing the owner to give up hope

⑭ the Gemara now says: Now that the original proof to mostly Jews was disproven with the explanation of a situation in which there is a presence of non-Jews.

⑮ we can now go back to the case of בתי כנסיות

⑯ and we can say that it is talking about shuls (which is its usual interpretation).

⑰ and we can still say that there is no proof from the case of בתי כנסיות/shuls. That a person will give up hope, even by mostly Jews.

⑱ since here too, we can say that the Braisa is talking about shuls. Outside the city, in which there is a presence of non-Jews.

⑲ and it is due to the presence of non-Jews, that the owner would give up hope.

⑳ but perhaps, by mostly Jews, he would not give up hope.

㉑ so, in conclusion, we cannot resolve the uncertainty regarding the true position of Rabbi Shimon ben Elazar. That many people cause the owner to give up hope.

㉒ whether it is only by mostly non-Jews,

㉓ or it is even by mostly Jews.

unclear 7:37 line ④ garbled: "Since, now again, those two same Hebrew words, Batei Knessiyos ... Batei means shuls"

unclear 13:06 end of line ⑫ cut off after "in which there is a"; the start and number of line ⑬ were not captured (only "that is causing the owner to give up hope")

unclear 16:19 line ⑮ ends in garbled spelling ("based off Yud, Kof Nun Samach, Yud Vav Sof")

• ... תא שמע מצא בה... Answer

► Adas Torah · Jan 21, 2015 · 4:04

① The Gemara now brings a Mishnah in an attempt to resolve the uncertainty as to what is the true position of Rabbi Shimon ben Elazar when he said that if someone loses something in a place with a lot of people, the owner gives up hope.

② Did he say that by?

Ⓐ only mostly non-Jews.

Ⓑ or even by mostly Jews.

③ the Mishnah says:

| the case:

Someone found a lost object in a city that has both

Ⓐ Jews.

Ⓑ and non-Jews.

|| the ruling:

Ⓐ by a city of mostly Jews:

The finder must announce it.

Ⓑ by a city of mostly non-Jews:

the finder is not obligated to announce it.

④ The Gemara now says: Who is the author of this Mishnah? Who holds that a lot of people causes a person to give up hope on his lost object?

⑤ It is: Rabbi Shimon ben Elazar.

⑥ And the Mishnah makes a clear distinction between

Ⓐ Mostly Jews:

the finder must announce it.

Ⓑ Mostly non-Jews:

the finder does not need to announce it.

⑦ so we see that when Rabbi Shimon ben Elazar said that a lot of people causes a person to give up hope on his lost object

⑧ It was only by mostly non-Jews

⑨ But not by mostly Jews

Step None: explanation not found in the transcribed classes

⬠ ... הא מני רבנן. Question

► Adas Torah · Jan 26, 2015 · 14:11

① The Gemara now asks, on what it said above.

② The Gemara wanted to resolve its previous uncertainty regarding the position of Rabbi Shimon ben Elazar,

③ he said that:

Ⓐ If someone loses something in a place with a lot of people,

Ⓑ Even if the lost object has a sign, the owner will give up hope.

④ we asked

Ⓐ Is it only in a place of mostly non-Jews?

Ⓑ Or even in a place of mostly Jews?

⑤ The Gemara wanted to resolve it from a Mishnah that states that if someone finds something, in a city with a mixture of

Ⓐ Jews.

Ⓑ and non-Jews.

⑥ If it is mostly Jews, the finder must announce it.

⑦ But if it is a place of mostly non-Jews, the finder need not announce it.

⑧ And the Gemara assumed that the author of this Mishnah is Rabbi Shimon ben Elazar.

⑨ And it distinguishes between

Ⓐ mostly Jews,

Ⓑ and mostly non-Jews.

⑩ So we see that Rabbi Shimon ben Elazar meant, that the finder may keep the object only if he found it in a place of mostly non-Jews.

⑪ The Gemara now says, you cannot prove the position of Rabbi Shimon ben Elazar from this Mishnah. Because,

⑫ while it is true that if the Mishnah is Rabbi Shimon ben Elazar, it would provide clarity to his position.

⑬ but it is possible to say that really the Mishnah is going like the Rabbanan.

⑭ and they are the ones distinguishing between

Ⓐ mostly Jews,

Ⓑ and mostly non-Jews.

⑮ But perhaps Rabbi Shimon ben Elazar could hold that whether by

Ⓐ mostly Jews,

Ⓑ or mostly non-Jews, the finder may always keep it.

□ תפשוט מינה דמודו... Question

► Adas Torah · Feb 4, 2015 · 13:19

The Gemara now asks:

① If it would be true that the Mishnah is the opinion of the Rabbanan,

② And they are the ones that are differentiating between:

Ⓐ mostly non-Jews:

The finder does not need to announce it.

and...

Ⓑ mostly Jews:

the finder must announce it.

③ Then, it would come out that...

Rabbi Shimon ben Elazar holds:

Ⓐ by mostly non-Jews:

the finder may keep it.

and...

Ⓑ by mostly Jews:

the finder may keep it.

④ If so, at least part of the five questions should have been resolved:

Ⓐ that the Rabbanan agree, by mostly non-Jews. The finder may keep it.

Ⓑ and that they argue by mostly Jews.

□ Statement Tosafos

► Adas Torah · Feb 4, 2015 · 25:46

ה"ה

① Tosfos now brings from our Gemara, which asked.

② How can we assume that the author of the Mishnah that differentiates between finding an object in a city of...

Ⓐ mostly Jews.

Ⓑ and mostly non-Jews.

How can we assume that it is the Rabbanan?

③ If so, then you should be able to resolve part of the five questions (or four) posed above.

④ specifically.

Ⓐ that the Rabbanan argue on Rabbi Shimon ben Elazar by mostly Jews and they hold, you must announce the lost object.

Ⓑ And they agree by mostly non-Jews that you may keep it.

unclear 35:26 read-back correction: he says to put '(or four)' in parentheses for 'five questions'; exact placement not clear. His correction 'The Mishnah, not our Mishnah' is applied in ②

Tosfos now asks:

① *How can the Gemara ask its question:*

That if the Mishnah is the Rabbanan, you can resolve part of the five questions.

② *And you can say that we can clarify that the Rabbanan agree to Rabbi Shimon ben Elazar by mostly non-Jews. (that the finder may keep it.)*

③ *but we never disproved our other explanation of the Mishnah: that the author of the Mishnah is really Rabbi Shimon ben Elazar.*

④ *and it is he, who is differentiating between.*

Ⓐ *mostly Jews.*

Ⓑ *and mostly non-Jews.*

⑤ *So how could we ever resolve, based on the Mishnah, what is the true opinion of*

⑥ *and that would be why we can still justify the 5 questions.*

⑦ *So how can the Gemara remove the step that was posited that maybe the Mishnah goes like the Rabbanan?*

unclear 20:40 ⑤ trails off after 'the true opinion of'

◻ ...אלא לעולם רבי שמעון בן אלעזר. Answer

① *The Gemara answers:*

We can say that the author of this Mishnah could be Rabbi Shimon ben Elazar.

② *and in general he could hold that even when a lost object is found in a place of mostly Jews the finder may keep it. (since the owner is a pessimist because of the presence of many people even Jews.)*

③ *and yet this Mishnah says if found in a place of mostly Jews*

④ *the answer is the Mishnah is not talking about finding a regular lost object.*

⑤ *But rather, it is talking about finding an object that was hidden away in a garbage dump.*

⑥ *Therefore, the owner did not give up hope.*

⑦ *Therefore, the finder*

Ⓐ *Must return it by mostly Jews.*

Ⓑ *He may keep it by mostly non-Jews.*

① The Gemara suggested that since it is possible to explain the Mishnah brought by the Gemara in the Ta shma as talking about finding an object that was hidden away in a garbage dump.

② And that is why the finder must announce it when he finds it in a place of mostly Jews.

③ Perhaps we could say that if a person finds an actual lost object, even in a place of mostly Jews, Rabbi Shimon ben Elazar could hold, that the finder may keep it.

④ on this new possible explanation of the Mishnah ... to even think to explain this Mishnah by saying that it is talking about a case of finding something hidden in a garbage dump

⑤ whatever case the Mishnah is discussing ... but right there but the ruling clearly is that in a place of mostly Jews, the finder must announce it.

⑥ regarding finding an object that was hidden in a garbage dump. There is a Mishnah that says:

Ⓐ I Case #1:

Someone found a vessel hidden in a garbage dump.

|| The ruling:

The finder must leave it and not touch it.

Ⓑ I Case #2:

Someone found an uncovered vessel in a garbage dump.

|| The ruling:

the finder must take it and announce it.

⑦ We see from this Mishnah that the ruling of finding an object hidden away in a garbage dump is that the finder must not touch it.

⑧ In the Mishnah of the Ta shma, it says:

If you find an object in a place of mostly Jews, the finder must announce it.

⑨ The Gemara wanted to explain... in its new explanation... that this Mishnah could be speaking about, is finding a lost object in a garbage dump.

⑩ And not that it is talking about a regular lost object.

⑪ The Gemara suggested this explanation in order to explain why there is no clarity from this Mishnah to any of the five questions asked above.

⑫ The Gemara now asks:

How is it possible to suggest that this Mishnah is talking about an object that is hidden in a garbage dump.

⑬ While it is true that in such a case, the ruling would be that you may not keep the object (in a place of mostly Jews), even if by a regular lost object, you might be able to keep the lost object.

⑭ But the ruling would not be to announce it.

⑮ But rather: not to touch it.

⑯ Since the Mishnah of the Ta shma rules that by mostly Jews, the finder must announce it.

⑰ Therefore: it cannot be speaking about finding an object in a garbage dump.

⑱ Therefore: it must be that it is speaking about a case of finding a regular lost object.

⑲ And still, it says that by mostly Jews, the finder must announce it.

⑳ If so: the question comes back regarding how it is possible to have asked above in the five questions, whether...

Ⓐ Rabbi Shimon ben Elazar.

Ⓑ And the Rabbanan.

are both extreme in their opinions.

unclear 0:57 beginning of ④ (adastorah-2015-03-16) is cut off before 'on this new possible explanation'; gap marked ... in the middle

unclear 2:40 ⑤ 'but right there but' as transcribed; at t1505 in the read-back he says 'I just lose the but' — unclear which 'but' is dropped

Step None: explanation not found in the transcribed classes

· Statement **Tosafos**

► Adas Torah · Mar 30, 2015 · 6:03

Tosfos now brings, from our Gemara that wanted to establish the Mishnah, brought down in the Ta Shma, to be speaking about finding a lost object, that was hidden in a garbage dump.

· ... ולא בעי לאוקמה. Statement **Tosafos**

► Adas Torah · Apr 20, 2015 · 3:09

① In order to disconnect the Mishnah brought in the Ta shma from giving any final clarity to the five questions the Gemara suggested that the Mishnah could be speaking about a case of tamun

② The basic difference between explaining the Mishnah with tamun

③ As opposed to finding a regular lost object is as follows:

I A regular lost object:

Ⓐ It would come out that the Mishnah is clearly stating, that in a place of mostly Jews, you must announce the lost object.

Ⓑ In a place of mostly non-Jews, you may keep it.

Ⓒ This would clearly show that, either:

Ⓐ Rabbi Shimon ben Elazar.

Ⓑ or the Rabbanan.

Ⓓ Must differentiate between:

Ⓐ mostly Jews.

Ⓑ and mostly non-Jews.

II An object hidden in a garbage dump:

Ⓐ Since it is hidden, even if an owner might give up hope in a place of many Jews.

Ⓑ but here since it was deliberately hidden away by its owner.

Ⓒ The fact that there are many people.

Ⓐ mostly Jews.

Ⓑ or mostly non-Jews.

Does not influence the mindset of the owner.

Ⓓ and therefore the owner would not give up hope.

④ so we see that the strategy of the divert tactic of the Gemara, going from, speaking about:

Ⓐ a regular lost object.

Ⓑ as opposed to a hidden one.

⑤ is to take away the interpretation of the Mishnah. That it is the many people, that is determining whether the owner,

Ⓐ does.

Ⓑ or does not.

give up hope.

⑥ if so, instead of using the divert explanation, of finding the object hidden in a garbage dump.

⑦ it would seem that the Gemara simply could have explained the Mishnah of the Ta shma that it is talking about a regular lost object that was found in a place where the many are not found.

⑧ Tosfos explains that although that would seem to have been a better choice than tamun in order to avoid the seeming contradiction with the other Mishnah. Which rules that by tamun, the ruling should be, do not touch it.

⑨ and not, the finder must announce it.

⑩ still, the Gemara did not want to explain the Mishnah of the Ta shma, that way.

⑪ Tosfos explains, that the language of the Mishnah is, that the lost object was found in a city with mixed Jews and non-Jews.

⑫ and it differentiates between:

Ⓐ mostly Jews.

Ⓑ and mostly non-Jews.

⑬ we have no choice. But to explain the Mishnah, in a way that the object was found, in a place where the majority of the people of the city are found there:

Ⓐ whether mostly Jews,

Ⓑ or mostly non-Jews,

⑭ Tosfos concludes his point by saying: if the Mishnah would have been talking about finding the object in a place in which the many are not found,

⑮ the Mishnah should not have mentioned this ruling in connection with the majority of the city.

⑯ but rather, it should have described the case in a way indicative that either:

Ⓐ mostly non-Jews.

Ⓑ or mostly Jews.

were found in the vicinity of where the object was found.

⑰ regardless of the makeup of the city as a whole.

unclear 5:52 after 'I A regular lost object' the transcript has 'One colon'; unclear what was meant

1 Question **Tosafos** **numbering restarts**

► Adas Torah · Apr 22, 2015 · 50:10

① Tosfos now asks: if the Mishnah of the Ta shma will be explained, to be talking about finding an object that was hidden,

② it comes out that the Mishnah is saying that in this situation, there is an obligation on the finder to treat the found object as a lost object, and to take the lost object and announce it.

③ Tosfos asks: why would the ruling be that the object now has a status of a lost object.

④ at the time that he found it, it was still hidden.

⑤ the ruling of finding a hidden object. Is, leave it there.

⑥ it should not become a lost object until, if, and when, the owner of the garbage dump actually dismantles the garbage dump.

⑦ if so, the ruling should be that the owner of the garbage dump should have to take it and renounce it.

⑧ and not the finder.

⑨ So how can the Gemara even suggest that the Mishnah of the Ta shma is talking about a case of tamun.

unclear 50:10 line ⑦ 'renounce it' as transcribed; possibly 'announce it', not confirmed

2 **Answer** **Tosafos**

► Adas Torah · Apr 27, 2015 · 31:26

① Tosfos' answers:

The finder must be concerned that perhaps the one who clears away the garbage dump will be a non-Jew.

② Or even if it is a Jew, he might not see the object when he clears away the garbage dump.

③ And he will toss it away. With the spoiled garbage.

④ Therefore, it must be considered to be a lost object at the time it is found by the finder.

⑤ and he would be the one who would be obligated to take it and announce it.

· **Question** **Tosafos** וא"ת ואמאי יכריז...

► Adas Torah · May 4, 2015 · 46:33

① Tosfos now asks:

Why would the ruling in the Mishnah be that the finder must take it and announce it if it is talking about tamun?

② The Gemara introduced this divert answer by saying:

really perhaps the author of the Mishnah of the Ta shma is Rabbi Shimon ben Elazar

③ and it is possible that he holds that the owner would give up hope on his lost object, even if he lost it, in a place of many Jews

④ because he thinks that a person of ill repute will find it.

⑤ and the reason why the Mishnah says that by mostly Jews the finder must announce it is because the Mishnah is talking about where the object was found hidden in a garbage dump

- ⑥ so the owner did not give up hope on the object, because he thinks it's hidden.
- ⑦ Tosfos now asks: when the owner discovers that the garbage dump was dismantled, he will surely give up hope.
- ⑧ since the garbage dump is in a place of many Jews,
- ⑨ and we are positing that the Mishnah goes like Rabbi Shimon ben Elazar,
- ⑩ who holds that even by mostly Jews, a person gives up hope.
- ⑪ so why would the ruling be, must take it and announce it.
- ⑫ the ruling would rather be that the finder may keep it.
- ⑬ since the ruling is that the finder must announce it, the Mishnah cannot be talking about a case of tamun!?

unclear 48:11 'divert answer' – word before 'answer' unclear (perhaps dichuy)

unclear 48:11 transcript 'Toshmah [?]' written as 'Ta shma' as he says it later (05-11)

· ... וי"ל דהוי יאוש **Answer** **Tosafos**

► Adas Torah · May 11, 2015 · 27:21

① Tosfos had asked:

It's the only way to be able to establish the Mishnah of the Tosfos [?] to be speaking about tamun is if the author of the Mishnah would be Rabbi Shimon ben Elazar

- ② and he would hold that by a regular lost object found in a place of many people, even mostly Jews, the finder may keep it, since its owner would give up hope for fear that someone of ill repute took it
- ③ and only because it is tamun does the ruling change to chayav l'hachriz (חייב להכריז)
- ④ since the owner did not give up hope
- ⑤ since he thinks it's tamun
- ⑥ But still, the ruling should have been that the finder may keep it.
- ⑦ Since when the owner discovers that the garbage dump was dismantled,
- ⑧ he will surely give up hope.
- ⑨ even by mostly Jews.
- ⑩ since the Mishnah would have to be going,
- ⑪ and he would have to hold that even by mostly Jews, the owner gives up hope.

- ⑫ so how can the Gemara even suggest that the Mishnah of the Ta shma can be explained with a case of tamun.
- ⑬ on this Tosfos answers:
- ⑭ this is absolutely correct.
- ⑮ the reaction of the owner, when he discovers that the garbage dump was dismantled,
- ⑯ even if it is in a place of mostly Jews,
- ⑰ his reaction will surely be to give up hope.
- ⑱ and still the ruling would be that the finder must announce it.
- ⑲ Since at the time that the object was found, the owner thought it was still tamun and safe.
- ⑳ So he did not yet give up hope.
- ㉑ And even though he will surely give up hope when he discovers his loss.
- ㉒ But the ruling is like Abaye.
- ㉓ That only if there is prior actual giving up hope, is the ruling that the finder may keep it.
- ㉔ Otherwise, the ruling is that the finder may not keep it.
- ㉕ and if it has a sign, such as in our case, he must announce it.
- ㉖ exactly as is stated in the Mishnah of the Ta shma.
- ㉗ and if the object was found in a place of mostly non-Jews, the ruling would be that the finder may keep it.
- ㉘ exactly as is stated in the Mishnah of the Ta shma.
- ㉙ since the finder may rely on the fact that a non-Jew is the owner of the hidden object, since it is a place of mostly non-Jews.
- ㉚ therefore the Mishnah can be successfully explained to be speaking about tamun,
- ㉛ and therefore, we cannot bring any clarity to any of the five questions.
- ㉜ Since:
- if you say the Mishnah is talking about a regular lost object,
- Ⓐ it might be Rabbi Shimon ben Elazar, Ⓑ it might be the Rabbanan, Ⓒ or both of them might be extreme, that's Kizuni [?].
- Ⓐ You may always keep it.

ⓑ *You must always announce it.*

ⓓ *And the Mishnah could be talking about tamun.* ⓔ *And it is Rabbi Shimon ben Elazar.* ⓕ *And even if he is extreme, ⓖ tamun is different.* ⓗ *Because we go like Abaye that holds ... prior actual giving up hope is required.*

unclear 28:56 'the Mishnah of the Tosfos [?]' – probably 'Ta shma', not confirmed

unclear 34:06 line 10 seems cut off after 'going,' (likely 'like Rabbi Shimon ben Elazar' – not dictated in extraction)

unclear 45:40 'that's Kizuni [?]' unclear

unclear 48:20 gap between 'That holds.' and 'Prior actual giving up hope is required'

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.