

OVERVIEW of the Daf

1) Identifying the place (cont.)

Rabba finishes explaining the Baraisa according to his perspective.

Rava explains the Baraisa from his perspective.

2) Identifying marks that will be trampled (cont.)

Our Mishnah is cited as proof to Rava that an identifying mark that will be trampled is a reliable identifying mark.

Rabbah defends his position.

Rabbah's response is unsuccessfully challenged.

It is suggested that the issue of whether an identifying mark that will be trampled is considered a reliable identifying mark is debated by Tannaim.

R' Zevid in the name of Rava asserts that both opinions in the Mishnah follow Rava's position and the dispute revolves around a different point.

Rabbah asserts that both opinions in the Mishnah follow his position and the dispute revolves around a different point.

According to a second version it was initially assumed that the dispute in the Mishnah related to whether one is permitted to pass by food on the ground and leave it there.

R' Zevid in the name of Rava rejects this explanation and offers an alternative explanation.

Rabbah offers another explanation of the disagreement in the Mishnah.

3) General rules related to lost objects

R' Zevid in the name of Rava issues a number of rulings related to lost objects.

Rava qualifies the last ruling.

4) Strings of fish

The Gemara explains why the knot and the number of fish on the string is not an identifying mark.

R' Sheishes is asked whether the number is an identifying mark and he responded that it is.

5) Pieces of meat

The Gemara explains why the weight and the cut of the meat are not identifying marks.

6) Returning food items

A contradiction between an earlier-cited Baraisa and our Mishnah regarding returning different food items is noted.

R' Zeira in the name of Rav offers a resolution.

This explanation is unsuccessfully challenged.

Abaye offers another explanation and a related incident is recorded.

7) Identifying the place

R' Bibi asked R' Nachman whether the place where the object was lost is an identifying mark.

R' Nachman proves that the place is not an identifying

(Continued on page 2)

Distinctive INSIGHT

People do not step on food lying on the floor

אמר לך רבה התם היינו טעמא משום דאין מעבירין על האוכלין

The Gemara had presented a dispute regarding the validity of an identifying mark on an object if it is inevitable that the mark could and will become obliterated when people step on it. Rabba is of the opinion that this type of identifying mark is not adequate as a סימן which the owner will rely upon and thereby maintain hope that it can be returned to him. Rava disagrees and says that if the object is found before the mark is wiped out, the finder must assume that the owner is still hoping to retrieve his object.

The Gemara brings a proof against Rabba from our Mishnah, where one who finds loaves of a baker may keep them. These loaves are standard and not able to be identified by the one who lost them. The Gemara infers from this that loaves of a private party, which are identifiable, must be returned. The Gemara assumes that the marking of a loaf would be marred when it is stepped on, but yet the rule says that these loaves must be returned to their owners. We see that a delicate mark is still significant while it lasts, unlike the opinion of Rabba. Rabba answers that “people do not pass by food without picking it up,” so the unique mark of the shaped loaf will retain intact.

The Rishonim note that this response only accounts for the preservation of the unique shape of a loaf of bread. How would Rabba respond to the other, non-food cases of the Mishnah, such as piles of money (as opposed to scattered coins). They answer that money is valuable, and it is picked up by the first person to come along, while its identifiable aspect is still intact.

Regarding passing by food on the street, Rashi and Tosafos write that not only do people not pass it by and leave it on the ground, but also a person is actually obligated to pick up food that he sees lying on the floor. Meiri writes that while it is not

(Continued on page 2)

REVIEW and Remember

1. Why is a finder permitted to keep a baker's loaves but not a householder's loaves?
2. What expression constitutes יאוש?
3. Is the number of items that were lost an identifying mark?
4. How did Rav know that the owner of the found pitch had abandoned hope of recovering it?

HALACHAH Highlight

Showing proper respect for bread and food

אין מעבירין על האוכלין

One may not pass food on the ground and leave it there

Shulchan Aruch¹ mentions a number of practices that are prohibited because they are considered disgraceful to food. Chazal demand a higher degree of respect for bread than they do for other foods. For example, there is a prohibition against throwing food; however, there are more restrictive parameters that apply to bread than apply to other foods. Regarding food in general, Shulchan Aruch¹ writes that one should not throw food if it could become rendered inedible by throwing it. Thus, for example, it is permitted to throw nuts and pomegranates that will not be damaged if thrown. In contrast, the restriction against throwing bread applies even if the bread will not become ruined, e.g. throwing rolls that are in a plastic bag onto a table. The reason for this distinction, explains Mishnah Berurah³, is that bread is a more important food and thus the act of throwing it is a display of disrespect (זלזול).

Another halacha that applies to food, which is mentioned in our Gemara, is the restriction against walking past food that is lying on the street. Mishnah Berurah⁴ writes that one who sees food on the ground is obligated to lift the food from the ground and is prohibited to leave it on the ground. Rav Chaim Kanievski⁵ is cited as ruling that one does not have to lift the

mark.

R' Zevid rejects this proof.

Two versions of R' Meri's statement regarding a place being an identifying mark are presented.

A related incident is recorded.

8) אנפוריא utensils

R' Yehudah in the name of Shmuel suggests that אנפוריא utensils are ones that one has not used enough to recognize them.

This explanation is further clarified.

A related teaching is recorded. ■

food off the ground and it is sufficient to push the food to the side where people will not step on it. Poskim⁶ note that although the prohibition against leaving food on the ground applies even to foods other than bread, nevertheless, there is a distinction between bread and other foods. Regarding other foods the obligation to lift up a food on the ground applies only if the food is edible and there is a piece the volume of a kezayis. When it comes to bread and פת הבאה בכיסנין one is obligated to lift up the bread even if it is no longer edible and even if the piece on the floor does not contain the volume of a kezayis. ■

1. שר"ע אור"ח סי' קע"א

2. שר"ע שם סע' א'

3. מ"ב שם סק"ט

4. מ"ב שם ס"ק י"א

5. מובא דבריו בפסקי תשובות סי' קע"א הע' 30 בשם ס' עץ השדה

6. ע' פסקי תשובות שם אות ז' ■

STORIES Off the Daf

Bending the truth

דמשני במליהו

Today's daf discusses when one is permitted to lie.

A certain man was tired of being grilled by strangers who wished to know his name and family even though it was of no consequence to the questioner. He wondered if he was permitted to lie about his identity. When he asked Rav Shlomo Zalman Auerbach, זט"ל, the Rav ruled that it is permitted.

On another occasion a certain man was at a loss to know how to deal with visitors at times when this was inconvenient for him. The easiest way to deal with such a caller would be to ask his wife to say that he is not at home, yet one would think it is forbidden because it is definitely

false. When this man put his question to Rav Shlomo Zalman, he was very surprised at the answer. "It is permitted to say the husband is out, as their aim in avoiding telling the visitor that the husband doesn't want to see him is so he should not be insulted or get angry. This is definitely a case of darkei shalom, for which one may bend the truth as we find in the Gemara in Yevamos."

Rav Shlomo Zalman added a relevant anecdote. "I heard that when Rav Hoffman, זט"ל, would lie down for a nap, he would tell his rebbetzin to say that he was preparing the shiur and was not to be disturbed. He reasoned that not everyone really needs to know what he is doing, and in truth his sleep was also a way to prepare since he was better able to teach when well rested!"

The rav concluded with a small lesson from the "fifth section" of Shulchan

Aruch. "It is obvious, though, that one should give his wife such instructions—and the mother should never tell what her child knows to be an out-and-out lie when a child could overhear her—since this is teaching the child to lie even when there is no heter." ■

1. שלמי מועד ע' תקל"ט

2. שם ע' תקל"א

(Insight...Continued from page 1)

permitted to trample food lying on the floor, a person may leave it on the floor and ignore it. Rashba understands that the directive אין מעבירין על האוכלין suggests that not only is it prohibited to pass by food, but it is also necessary not to ignore it by leaving it in a state of disgrace. Tosafos also holds that the food must be picked up, as we find that R' Gamliel instructed R' Ilai (Eiruvin 64b) to pick up a loaf, and not simply to avoid stepping on it. ■