

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah concludes enumerating a list of items that, if found, must be announced and returned to their owners.

2) Finding money or fruit in front of a utensil

The Gemara infers from the Mishnah that if one found money or fruit in front of a utensil rather than inside he would be permitted to keep it for himself.

A Baraisa is cited that supports this inference.

This position is challenged from a Baraisa.

Four alternative resolutions are presented.

3) Finding money or fruit

The Gemara unsuccessfully attempts to infer that the number of items or location of the items are an identifying mark.

R' Yitzchok Migdala'ah asserts that the Mishnah's ruling that one must return three coins refers to where they were piled like a tower.

A Baraisa is cited to support this ruling.

The Gemara clarifies the intent of the Baraisa.

R' Chanina asserts that the Mishnah's ruling applies only when the three coins are from three different kings but if they are from one king one is not obligated to announce them.

This assertion is successfully challenged and R' Chanina's explanation is revised.

R' Yochanan disagrees with R' Chanina and maintains that even if the three coins are from a single king they must be announced.

Ravina presents the correct method of making this announcement.

R' Yirmiyah inquires about coins found in different configurations and only one of his inquiries is resolved.

R' Ashi asks about another configuration and this inquiry is resolved from a Baraisa.

A Baraisa is cited that teaches that there are no valid identifying marks for coins. A point in the Baraisa is explained.

4) **MISHNAH:** The Mishnah presents different objects that should be left where they are found rather than taken by the finder.

5) Finding birds

The rationale for the ruling that the birds should be left alone is explained.

This explanation is unsuccessfully challenged.

6) Finding a covered utensil

A contradiction between the Mishnah and a Baraisa concerning finding a covered utensil is noted.

R' Zevid and R' Pappa offer alternative resolutions for this contradiction.

R' Pappa's resolution is challenged and the Gemara revises

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Distinctive INSIGHT

Resolving the queries of R' Yirmiya

פשוט מהא חדא

R' Yirmiya presented a series of questions regarding arrangements of coins and whether someone who finds them would have to assume that the coins were placed by their owner, indicating that he plans to return to retrieve his coins, or that he can identify them. On the other hand, perhaps these particular arrangement of coins do not indicate intentional placement. Rashi explains the questions were in regard to finding coins placed in the shape of a circle (שיר), a straight line (שורה) as the three legs of a tripod (חצובה), or piled as steps of a ladder (סולם). The Gemara responds that it can resolve one of these cases (פשוט מהא חדא), based upon a statement of R' Nachman, who said that any arrangement where the coins can be lifted with a straight stick of wood must be returned. Rashi explains that this means that this refers to where the coins are in the shape of the steps of a ladder.

Rabeinu Chananel concludes that all of R' Yirmiya's questions about coins remain unresolved, including the one where they are arranged as steps of a ladder. We must say that his text of the Gemara did not state "one of these can be resolved." The גר"א in fact, understands that the text of Rambam did not include these words, and that the words of R' Nachman are an independent teaching (נחמן ר' אמר) instead of a continuation (...יאמר) and solution to the inquiries of R' Yirmiya.

According to R' Chananel, the configuration of coins as steps of a ladder cannot be lifted with a straight stick, as he says that this case is where the coins are not touching each other. This is why his text does not have R' Nachman resolving any of the cases of R' Yirmiya. Rashi understands that coins as steps of a ladder are overlapping, and therefore can be lifted with a

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REVIEW and Remember

1. When do three coins piled on top of one another constitute an identifying mark?

2. Is it likely for three coins the same size to fall together into a pile?

3. Why should one who finds birds behind a fence not touch them?

4. Who keeps a lost object found in the wall of a house that was rented?

HALACHAH Highlight

Different locations where lost object are found

כל ספק הינוח ליכתילה לא יטול

Any time the object may have been placed there intentionally the finder should not touch it.

Rishonim¹ delineate three different categories of places where lost objects could be found and each location has unique halachos. Rema² presents the conclusions of these opinions. The first location is a place that is not protected at all, מקום לגמרי, שאין משתמר לגמרי, and an example of this category is a public domain. If one finds a lost object that does not have an identifying mark in this place and it is assumed that the owner is aware that it is lost then the finder may keep the item since there is an assumption that the owner abandoned hope (יאוש) of recovering the item. If the lost object does have an identifying mark the finder must take it and make an announcement that he found a lost object.

The second location is finding an object that is partially protected משתמר קצת. An example of this is finding birds behind a fence. If the birds have an identifying mark the finder should take them and announce that he found birds. If the birds do not have an identifying mark it is prohibited for the finder to touch the birds since it is possible the owner placed them there with the intent to return and retrieve his birds.

STORIES Off the Daf

The missing money

שלשה מטבעות זה על גב זה

On today's daf we find more discussions regarding lost objects. Rav Levi Yitzchak of Berditchev, ז"ל, once spotted a young man pacing to and fro shouting, "Gevald! My father-in-law entrusted me with a large sum of money to do business—how could I have lost it all? What am I going to do? He will surely throw me out of his house!"

The Rav called to the weeping young man from his window, "Please come into my house right now."

When the young man entered, Rav Levi Yitzchak gently assured him that there was no reason to worry. "I am sure the lost money has already been found and will surely soon be in your hands again. But first you should have a little something to

eat and drink to calm your shattered nerves."

As the young man restored himself with a bite to eat, he calmed down. All of a sudden, he jumped up and raced out of the house without so much as an explanation. A short time later he returned very elated, with a broad smile on his face. He cried, "Rebbe! I have found the money! While I was eating I suddenly recalled that I left it on the shtender in the shul where I davened minchah. I rushed to the beis midrash and found it just where I had left it..."

Just then, the young man was filled with wonder at the what seemed to be the Rav's prophetic vision. He could not contain himself from getting a confirmation of Rav Levi Yitzchak's prescience. "How was the Rav so certain that the money would be restored to me when to all appearances it was lost, perhaps forever? What enabled the Rav to maintain such an absolute calm when I was so filled with panic?"

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his position.

R' Zevid's resolution is unsuccessfully challenged.

7) MISHNAH: The Mishnah presents the parameters for one who finds a lost object on someone's property.

8) Finding an object in a heap of stones or in an old wall

A Baraisa is cited to explain why it is permitted to keep lost objects found in a heap of stones or in an old wall.

This explanation is unsuccessfully challenged. ■

Consequently, if the finder were to take them and announce that he found some birds the owner would not be capable of proving that the birds are his since the birds do not have identifying marks and he would thus suffer a loss.

The third category is a location that is protected - משתמר לגמרי. An example of this category is one who finds a lost object buried in a garbage heap. The halacha in this case is that even if the object has an identifying mark the finder is prohibited from touching the found object. The reason is that the object is not considered lost; rather it is assumed that the owner placed the object there intentionally so that it should be protected. In the event that finder took the object from such a location he should not make an announcement that he found it, rather he should return it to the place where it was found so that the owner will be able to retrieve his object. ■

1. ע' תוס' ד"ה אחר וד"ה ואם ורא"ש פ"ב סי' ח'
2. רמ"א חר"מ סי' ר"ס סע' י' ש. ■

The Berditchever Rav immediately explained, "Don't think that this was ruach hakodesh—it was common sense. When I saw you running around so filled with despair I noticed that you had not only lost your money, you had lost your head as well. The first thing for me to do was restore this to you as quickly as possible, since you had probably placed the large sum in an obvious place. I spoke with such conviction because I was sure that you would find the money the moment you were able to collect your thoughts!"¹ ■

1. מובא בספר דברי יונה

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stick.

Magid Mishna explains that Rambam (גזילה ואבידה ט"ז: ב) explains the case of סולם as does Rashi, but he still rules that this case is תיקו and is not resolved with R' Nachman's rule. Rambam apparently does not agree that this arrangement can be lifted easily with a stick, if at all. ■