

The Weekly Daf



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Bava Metzia 23-29 Week of 6 - 12 Av 5754 / 14 - 20 July 1994

Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied as part of Daf Yomi during the above dates

This issue is dedicated in honor of the birth of Stuart & Danielle Seltzer's firstborn son

Finders Keepers Losers Seekers

When a man loses one of his possessions and despairs of finding it, that object becomes the property of its finder. But as long as he retains a reasonable hope of locating it, the object is still considered his property.

What happens then if he loses some money in sand dunes?

There is little likelihood of finding coins in such a quantity of sand.

But we see him bring a sifter and patiently sift the sand around the spot where he lost his coins.

Is this to be construed as an expression of his not losing hope of recovering the coins which are therefore still considered his property?

The Sage Rava ruled that the one who finds those lost coins in the sand dunes may keep them.

His reasoning: The possibility of finding the lost coins even with a sifter is so remote that we assume with certainty that he has despaired of recovering them and they therefore belong to their finder. His motivation for bringing the sifter is his calculation that just as *he* lost money in the sand dunes there is a good chance that *other people also* lost items of value, and perhaps he will make up his own loss by finding what others have lost.

Bava Metzia 26b

Backup or Backfire?

In the beginning anyone who lost something would claim it from its finder by providing identifying characteristics of the object which only its owner could know. When there was a proliferation of swindlers who were capable of providing such identification for the lost property of others it was legislated that anyone claiming a lost object would be required to bring character witnesses to attest to his honesty before we allowed him to provide the identifying marks.

Rabbi Papa once lost a donkey, and when he came to claim it in the court of the Sage Rabba bar Rav Huna he was told to first provide character witnesses. When two such witnesses arrived, the Sage asked them whether they knew Rabbi Papa to be a swindler. Assuming they were being asked to attest to Rabbi Papa being an honest man they replied "Yes." Rabbi Papa, who had taken careful note of the question put to them, challenged their response with an outraged cry: "Am I a swindler?" The witnesses then explained their understanding of the question and their intention of attesting to his honesty.

This raised a problem as to whether this constituted a *clarification* of their testimony which is acceptable in court, or a *retraction* which is not acceptable. Rabba bar Rav Huna ruled that this was an acceptable clarification, for no one would ever bring character witnesses to court to testify against him.

Bava Metzia 28b