



Volume 10. Issue 8

## A Parent's Lost Object

Much of the second *perek* of *Bava Metzia* deals with finding, identifying, caring for and returning lost objects. The eleventh *Mishnah* dealt with cases of conflict, where a number of lost items are found but only one can be recovered.

The first case is where one finds their own lost item and that of their father. The *Mishnah* rules that the person's own object come first. *Rav Yehuda* in the name of *Rav* (33a) explains that this is based on the verse: "However, may there be no destitute among you..." (*Devarim* 15:4). *Rashi* explains that the *Torah* is cautioning that your property comes first in this case, otherwise you may become destitute. (The *Gemara* continues by warning that anyone that is too particular in keeping this *pasuk* will in the end fulfil it, i.e. become destitute).

The *Mishnah* continues by explaining that it is also the law when faced with the choice between recovering one's own lost item and his *Rav's*. The *Mishnah* then explains that if confronted with his *Rav's* and his fathers, then unless his father is a *talmid chacham* then his *Rav's* comes first. The *Tanaim* and the *Rishonim* debate the definition of one's *Rav* and *talmid chacham* referred to in the *Mishnah*. We however will focus on the first case.

While the *Mishnah* ruled that one's own lost object is recovered in preference one's father's, the *Tifferet Yisrael* however believe that this is not always the case. If the father instructed him to recover his lost object then his father's comes first. The *Gemara* (32a) teaches that the honour of one's parents is even to the extent that if the parent takes that child's wallet and throws it in the sea in his presence, the child will not embarrass him and try to prevent the loss. The *Tifferet Yisrael* infers that in this case, since it is not just that a loss is being incurred, but the father is set to gain, if the father asked his son to recover his lost item then his father's item comes first.

The *Tifferet Yisrael* however sites a different answer based on the *Tosfot* commenting on our *Gemara*. The *Tosfot* ask

that priorities become circular in the following case. What is the law if *kavod* of the father is in conflict with both recovering the son's own lost item and recovering his *Rav's* lost item. As outlined above *kavod* overrides his own property. However his *Rav's* lost item overrides his father's, yet his own lost item overrides his *Rav's*. Citing the *Ri*, the *Tosfot* (*Kiddushin* 32a) answer that his own item would still take precedence. This is because one is only obligated to suffer a loss for his parent's honour if the benefit comes directly from that loss. Using the example from *Kiddushin*, the father achieves some sort of satisfaction from casting the wallet aside. Or using the example from *Tosfot* here, if the father says slaughter your animal for me, then he would be obligated. In this case however, no direct benefit is being gained from the son abandoning his item. According to the *Tosfot* then, in our case where there is a choice between his own item and his father's, even if the father asked him to find his lost object, his own item would come first.

The *Maharit* questions the *Tosfot's* thinking. The *Gemara* (*Avoda Zara* 23a) records the case of *Dama ben Netina* who refused to wake his father in order to retrieve the keys thereby preventing his access to precious stones. This is despite the fact that they were needed for the *effod* and the buyers were will to pay an inflated price. The case of *Dama ben Netina* is held up as prime example of honouring one's parents. Since the benefit was not a direct result of the loss, then according to the *Tosfot*, *Dama ben Netina* should have been able to wake his father.

The *Maharit* (*Kiddushin* 32a) provides two answers. The first is that in the case of *Dama ben Netina*, he was not suffering a loss; he was simply prevented from making a profit. In such a case, *kavod* comes first. The second answer is that while one need not suffer a loss at the expensive of *kavod* if it is not directly related, this does not mean that one can cause pain and disgrace. That would have undoubtedly been the result in the case of *Dama ben Netina*.

*Yisrael Yitzchak Bankier*

### Revision Questions

בבא מציעא ב' ב' ג' ד'

- Provide a number of examples of objects if found, one is obligated announce. (ב' ב')
- What should one do if he found an object behind a fence? (ג' ג')
- Can a person keep an object that he found:
  - Amongst rubble?
  - Tucked into a wall? (ג' ג')
  - In a shop? (ד' ד')
- Can one keep money that he found in his shopping bag? (ב' ב')
- Why was a "simla" singled out when the *Torah* discussed the law of returning lost objects? (ה' ה')
- For how long is one obligated to try to identify the owner of the lost object he found? (Include both opinions.) (ו' ו')
- When is the object not returned even if the person claiming it provides the identifying marks? (ז' ז')
- What should one do while trying to identify the owner of the lost object if the object itself requires upkeep? (Include both cases.) (ח' ח')
- What should one do while trying to identify the owner of a lost object if he found:
  - A book?
  - Clothing?
  - Glassware? (ט' ט')
- Which objects is one not required to take in order to find its owner? (י' י')
- When can one assume that an animal (that he found) is indeed lost? (יא' יא')
- Is there a limit to how many times a person must return an animal that keeps running away from its owner? (יב' יב')
- Can a person claim compensation from the owner of the lost object for the time spent trying to return the object? (יג' יג')
- If a *Kohen* sees a lost object in a cemetery, is he obligated to enter the cemetery to retrieve the object and return it to its owner? (יד' יד')
- Is someone obligated to help his friend unburden his animal if the friend is sitting back and not getting involved? (טו' טו')
- What are the exceptions to that rule? (Include all three opinions) (טז' טז')
- What is the law if someone finds his own lost object and his father's, but can only retrieve one? (יז' יז')
- What is the law if someone finds his father's lost object and his rebbe's, but can only retrieve one? (יח' יח')
- If someone is entrusted with a collateral and it was stolen, is he responsible to pay the owner back? (יט' יט')
- If the *ganav* was found, to whom is the *kefel* paid? (Include both scenarios.) (כ' כ')
- If *Reuven* rented an animal, then lends it to *Shimon* and the animal naturally died, who pays who? (כא' כא')
- What is the law regarding a *gazlan* that said to two people "I stole \$100 from one of you, but I'm not sure who"? (כב' כב')
- What is the law if two people entrusted money with a third party, one \$100 and the other \$200, and each claim they were the one that entrusted \$200? (Include both opinions.) (כג' כג')

### Local Shiurim

#### Melbourne, Australia

##### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

##### Friday & Shabbat

10 minutes before *Mincha*  
Beit Ha'Roeh  
 Melbourne, Australia

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#### Efrat, Israel

*Shiur in English*

##### Sunday -Thursday

Rabbi Mordechai Scharf  
 9:00am  
Kollel Magen Avraham  
 Reemon Neighbourhood

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#### ONLINE SHIURIM

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*  
[613.org/mishnah.html](http://613.org/mishnah.html)

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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#### SHIUR ON KOL HALOSHON

*Rabbi Moshe Meir Weiss*  
 In US dial: 718 906 6400  
 Then select: 1 – 2 – 4

### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 <sup>th</sup> April כ"ז ניסן	8 <sup>th</sup> April כ"ח ניסן	9 <sup>th</sup> April כ"ט ניסן	10 <sup>th</sup> April ל' ניסן	11 <sup>th</sup> April א' אייר	12 <sup>th</sup> April ב' אייר	13 <sup>th</sup> April ג' אייר
Bava Metzia 3:5-6	Bava Metzia 3:7-8	Bava Metzia 3:9-10	Bava Metzia 3:11-12	Bava Metzia 4:1-2	Bava Metzia 4:3-4	Bava Metzia 4:5-6

