

21.2.3

(השתא דאתית להכי בתי כנסיות נמי דידן דיתבי בהו נכרים) → 24a (חתיכות של בשר) 23b

- I Analyzing the first משנה של בשר – חתיכות של בשר
- a Question: why isn't the weight a סימן?
 - i Answer: case where it was a standard weight
 - b Question: why isn't cut of meat a סימן
 - i Support: הכרזה ברייתא which indicates that cut up fish pieces require הכרזה
 - ii Answer: in that case, they were cut in a unique fashion (a la הונא בר רב הונא's triangular cut)
 - iii Note: that ברייתא includes barrels of wine and oil etc. as not requiring הכרזה
 - 1 Challenge: end of 'ב' משנה – these require הכרזה
 - 2 Answer: the משנה is a case where they were slightly opened (for tasting) –and resealed in a unique style
 - (a) Implication: ברייתא is a case of open barrels – which is אבדה מדעת (hence- obvious that הרי אלו שלו)
 - (b) Answer1: they were replaced but not resealed
 - (c) Answer2: (answer2): both could be resealed; if before storehouses open, resealed is a סימן (משנה)
- II Question asked of ר"ג: is סימן a מקום?
- a Answer: ברייתא allows finder to keep barrels of wine or oil → מקום is not a סימן
 - b Block (ר' זבד): could be at port where wine is off-loaded (no unique מקום) (supporting story of רב's ruling)
- III Analysis of final opinion in משנה – רשב"א allows keeping new merchandise
- a Clarification: שמואל – as long as people haven't seen them for an extended period of time and would recognize them
 - i Note: must be a case where they have no סימן (else, even new ones should require declaration)
 - ii Purpose: for allowing a ת"ח to claim them based on טביעות העין
 - 1 Note: שמואל ruled that ת"ח who only "lies" about 3 things (related to צניעות) may be given an אבדה based on ט"ע
 - (a) Support: story of מר זוטרא חסידא and the stolen cup at his host's house
 - b Note: ברייתא expands on רשב"א's opinion - only if אנפוריא כלי were single units ; if found in pairs, e.g. – חייב להכריז
 - c Related ruling of רשב"א: if he saves it from irretrievable situation (e.g. river) or in a public place – ייאש → הרי אלו שלו
 - i Question: did he only apply this ruling where a majority of people are non-Jews?
 - 1 If: he applied it even when a majority are Jews, do רבנן agree with him or not?
 - (a) If: they disagree – do they disagree even if a majority are non-Jews?
 - (i) If: they disagree in both cases – does הלכה follow him?
 1. If: הלכה follows him, is this only ברוב נכרים?
 - 2 Attempted resolution: ruling that money found in וב"מ בתי כנסת require no הכרזה (→ רוב ישראל)
 - (a) rejection: case is dispersed coins
 - (i) block: if they are dispersed, it would require no הכרזה regardless of location
 - (b) rather: the money is bundled, but התי מדרש and ב"כ in question are visited/populated by נכרים