

## 21.2.4

24a (ת"ש מצא בה אבדה) → 24b (זיל שקול לנפשך)

- I Continued investigation of רשב"א's opinion re: מציאה when רוב around are נכרים...or even ישראל
- a Ruling that if someone found a מציאה in the city – if רוב נכרים, he may keep it; if רוב ישראל – must declare
- i Assumption: must be רשב"א (emphasis on רוב) → רוב נכרים only maintains his ruling ברוב נכרים
- 1 Rejection: may be רבנן, and they accede to רשב"א if רוב נכרים
- ii Rather: it is רשב"א and the מציאה was buried (and he would apply it even if it was רוב ישראל)
- 1 Challenge: if buried, he has no business taking it at all as per משנה ג'
- 2 Defense: the משנה is referring to an אשפה that isn't usually moved (→ he placed it there for "keeps") but suddenly needed to be moved
- iii Alternatively: it is רבנן – doesn't state that he may keep them – just that he needn't declare (i.e. leave it there until owner comes with סימנים and claims it)
- b Ruling of ר' אסי that a barrel of wine found in city of רוב נכרים is אסור בהנאה (to drink) but may be taken by the finder;
- 1 Note: he may not drink it, so the permission is for him to use the barrel
- ii If: a ישראל comes with a סימן, the finder may keep it and drink it
- 1 Assumption: follows רשב"א (רוב) → only רוב נכרים
- 2 Correction: רשב"א would apply his ruling even ברוב ישראל; ר' אסי only accepts ½ of רשב"א's ruling
- c Series of stories: regarding רשב"א's ruling and its application ברוב נכרים or even ברוב ישראל
- i Man: found 4 זוזים tied together in Biran river; ר' יהודה directed him to declare
- 1 Challenge: it was "the rush of the river"
- 2 Answer: since it is dammed up – by Jews – and dredged – by Jews, it is neither זוטו של ים nor assume ייאוש
- ii יהודה ד': was walking with שמואל in the שוק of grain sellers and asked (theoretically) about status of מציאה there
- 1 Answer: may keep it; if a ישראל came with a סימן, he must return
- 2 Question: isn't this contradictory?
- 3 Answer: he must return it as a supererogatory act (לפנים משורת הדין)
- (a) As per: story with שמואל's father who found donkeys in the desert and returned them a year later
- iii זבא ד': was walking with ר' נחמן in the שוק of skinners (or רבנן) and asked (theoretically) about status of מציאה there
- 1 Answer: may keep it; even if a ישראל came with a סימן - it's lost to the owner
- iv Vulture: took piece of meat from שוק, throwing it into trees of בר מריון, who came to אב"י
- 1 Ruling: he may keep it
- (a) Objection: a majority of the people around are ישראל
- (b) Answer: we must rule like רשב"א even if a majority are ישראל
- (c) Block: a vulture is like the "depths of the sea" (it's immediately irretrievable)
- (i) Challenge: the meat is forbidden as מן העין השר שנתעלם
- (ii) Answer: if someone was watching it the whole time
- v ד' חנינא found a slaughtered kid between טבריה and ציפורי and it was permitted to him
- 1 ד' אסי: it was permitted qua מציאה as per רשב"א and qua שחוטא as per ריה"ג
- (a) Objection: since it was permitted to him to eat → majority ישראל → רוב ישראל אפי' רוב ישראל
- (b) Block (זבא): a majority of owners might have been נכרים and a majority of slaughterers ישראל
- vi ד' אמי found slaughtered pigeons between טבריה and ציפורי and came to יוחנן/בי"מ"ד ר' אסי/ר' יוחנן/בי"מ"ד and they permitted
- vii ד' יצחק נפחא found balls of string used for making nets; came to יוחנן/בי"מ"ד ר' יוחנן/בי"מ"ד and he was allowed to keep them