**הנחיות:**

1. יש לתרגם את **כל** הטקסט של המסמך כולל החלקים הבאים:
2. עמוד השער
3. תקציר
4. זכויות יוצרים
5. כותרות של האיורים הקטנים בעמוד ב'
6. ביאורי גמרא ורש"י
7. ביאורי מילים (עם הארמית/עברית)
8. **אין לתרגם את הציטוטים מגמרא או רש"י**. אלה יישארו בארמית/עברית בגרסה הסופית.
9. יש להוסיף הערות (Ms Word Comments) בעברית בתוך הקובץ וורד לציין חלקים שונים (לדוגמא: "תקציר")
10. יש לציין מיקומם של הגמרא ורש"י עם מרקר צהוב.
11. דוגמת תרגום (אנגלית):

Talmud Bavli

Oren Cohen

*Thinking Hazal*

The Essence of the Talmud

The Psychological Element – Intention

Bava Metsia 22a

Gemara, Commentaries, and Poskim

The Psychological Element – Intent

The discussion in the Gemara is based upon a specific principle known as *ye'ush she-lo mi-da'at. Ye'ush she-lo mi-da'at* is a foundational concept regarding a person's ability to relinquish ownership over an object of value that he lost or left his possession without his direct knowledge.

Rashi –

We have before us a Talmudic discussion that attempts to clarify the true intent of a person with regard to the use of their property without their permission or when something that belongs to them is taken without their knowledge.

**We find two opinions among the sages of the Talmud:**

Abbaye rules that *ye'ush she-lo mi-da'at* is not considered to have relinquished ownership.

Rava rules that *ye'ush she-lo mi-da'at* indicates that ownership has been relinquished.

The Gemara reads:

Thus, the Gemara states that when someone tithes his neighbor's crops on his behalf without his knowledge, we determine whether or not it will be effective based on the reaction of the owner.

Rashi –

The Gemara explains how this is determined:

When the owner says: "You should have gone and taken the better kind," is that a statement of disparagement or does it indicate full agreement?

Rashi –

The Gemara notes:

*But is this so? Surely at the time when the offering was set apart the owner did not know it?*

The discovery of better crops is what teaches us the true intention of the owner.

Rashi –

The Gemara quotes Rava as explaining this on Abbaye's behalf that:

Based on this explanation, in this case the owner was fully aware of the actions of his agent, and the only issue left unclear was the type of fruit that was to be separated for the priests.

The Gemara argues that this approach to the case is, in fact, the logical explanation:

In this case, there is a clear connection between the thoughts of the agent and those of the owner.

Rashi –

Thus, we can conclude that the agent can only operate with the knowledge of the owner, as in a case where he was appointed by the owner.

The Gemara explains the situation according to the following interpretation:

The owner of the field appointed an agent, giving him general instructions to set aside the priestly portion. The assumption is that the average person usually separates from the medium grade crop. In our case, the agent chose a better grade of crop. Upon discovering this, the owner commented to him: "Why did you not choose even better fruits for the priests?" It is in this case that we look to see whether better crops are available. If they are, we can conclude that the owner was pleased with the actions of his agent. If there are no such crops, it is clear that the owner was speaking sarcastically, and the agent's efforts are invalid.

As a follow-up to this discussion, the Gemara relates the following story:

Does verbal agreement on the part of the owner indicate that it was permissible to eat the fruit? Or, perhaps, there is reason to think otherwise?

The Gemara raises the following argument:

Thus, it is possible that the owner's agreement in the presence of guests stems from embarrassment and the awkwardness of the situation, and does not express his true feelings. If so, the guests are eating without the approval of the owner.

The conclusion of this Talmudic discussion:

A statement made by a person regarding use of his property by others does not automatically allow them to derive benefit from them. We are obligated to examine the context and circumstances in order to determine his true intention.

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**Vocabulary:**

היסוד הנפשי: The main impetus of an individual's innermost self, which serves as the source of definitions.

הכוונה: The thought, desire and inclination leading to something.

תא - שמע: Come and hear |

"כלך אצל יפות": You should have donated from the better fruit |

אמאי: Why? |

בעידנא At the time that |

הוה: Was |

תרגמה: He explained it |

אליבא According to, |

דשויה: He appointed him

הכי נמי מסתברא: This also is reasonable |

דאי סלקא דעתך: For if it enters your mind |

מי הויא: Would it be? (rhetorical) |

הכא במאי עסקינן: What are we dealing with here? |

זיל: Go! |

מהני: These |

אקלעוThey arrived/happened upon |

בוסתנא: An orchard |

אייתי: Brought |

אריסות: Sharecropping (an agreement between the landowners and those cultivating the land) |

ושדא: Placed |

קמייהו: Before them |

אדהכי: Meanwhile

אתא: Came |

אשכחינהו: He found them |

אייתית: You brought |

שפירתא: The beautiful ones |

השתא: Now |

הכי: This |

וניחא ליה: It is convenient for him |

הכא: Here |

כסיפותא: Embarrassment/unpleasantness .

*Thinking Hazal* are a series of spiritual treasure-troves offering a fundamental learning experience in talmudic *sugyot*. This pamphlet points out the main lessons appearing tin the talmudic sugya. The pamphlet contains literal explanations and illustrations which emphasize the principles of the *sugya* and the varied and exciting views of the *Tannaim* and *Amoraim*. This *sugya* discusses the relationship between the literal words a person uses to allow others to make use of his/her possessions versus a person’s inner will.

Forbidden

Doubtful

Permitted

Good Fruit

Average Fruit

Simple Fruit

Owner

Agent

Sharecropper

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