



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Kesubos Daf Lamed Daled

- **Q:** The Gemara had said that the reason **R' Meir** said that one who steals a sheep and then has a shaliach shecht it for him on Shabbos, he is chayuv to pay back 4 sheep is because the action of the shaliach is attributed to him (and he is not chayuv misah because he did not do the actual shechita). **Mar Zutra** asks, how can it be that if the thief himself would have done the shechita he would be patur from paying, but when a shaliach does it for him he becomes chayuv!? **A:** Even if he would do the shechita himself, he would be chayuv to pay. He wouldn't pay because of "kam lei b'diraba minei", but he would have the chiyuv to pay.
 - **Q:** If the case is where a shaliach shechted it for him, why do the **Rabanan** say that he is patur from having to pay? **A:** The view of the **Rabanan** is the shita of **R' Shimon**, who says that a shechita which doesn't permit the meat to be eaten is not considered to be a shechita (and would therefore not obligate one to pay the 4 sheep).
 - **Q:** A shechita done on Shabbos makes the meat mutar to be eaten and should therefore be considered a "shechita"!? **A:** The **Rabanan** in the Braisa follow the view of **R' Yochanan Hasandler**, who says that a shechita done intentionally on Shabbos makes the meat assur forever.
 - There is a machlokes between **R' Acha and Ravina** as to the reason for **R' Yochanan Hasandler's** view. One says the meat is assur D'Oraisa based on a pasuk, and the other says it is only assur D'Rabanan. According to the view that it is only assur D'Rabanan, we must say that when the **Rabanan** say he is patur from having to pay they are going on the other cases of the Braisa (where he shechted for avodah zarah or where the animal was a "shor haniskal").
- **Q:** The Braisa also said that the thief would be patur to pay if he shechted it to avodah zarah. The Halacha is that as soon as the first cut is made, the animal becomes assur b'hana'ah. If so, when he completes the shechita it is no longer the animal of the original owner that he is shechting, and as such should not be chayuv to return 4 sheep!? **A: Rava** said, the case is where the thief said that it should be for the avodah zarah at the time of completion of the shechita.
- **Q:** The Braisa also gave the case of where the thief shechts a shor haniskal. A shor haniskal is assur b'hana'ah and as such does not belong to the person it was stolen from!? **A: Rabbah** said, the case is where the owner had given the animal to a shomer to watch, and the animal killed someone while in the possession of the shomer and was then condemned to death, and **R' Meir** must hold like **R' Yaakov** who says that the shomer can return the condemned animal to the owner and be patur from repaying, and he also holds like **R' Shimon** who would say that if one stole the animal from that shomer he would have to repay him (because that causes the shomer to have to pay for a new animal). Therefore the thief must pay.
- **Rabbah** said, we can say that the Braisa refers to where the thief himself did the shechita, and normally **R' Meir** would hold that when one is chayuv misah he would not have to pay. However, in these cases, where there is a novelty in the Torah requiring him to pay 4 or 5 times what he stole, he will have to pay even if he is chayuv misah.
 - We find that **Rabbah** says this as well, that if one steals before Shabbos and shechts on Shabbos he would be chayuv to pay, but would be patur if he stole and shechted on Shabbos.
 - **R' Pappa** said, if one stole before Shabbos and shechted on Shabbos he would be chayuv to pay, because he was chayuv to pay before Shabbos began. However, if one had borrowed an animal before Shabbos, and he shechted it on Shabbos, he would be patur (because he becomes chayuv to pay at the time that he becomes chayuv for Shabbos).

