



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

### Bava Kamma Daf Yud Aleph

- **Shmuel** said, Beis Din does not evaluate the value of a carcass for a ganav or a gazlan (if the animal they stole dies, they must keep the carcass and pay for the full animal). They only evaluate for a case of damages. However, I (**Shmuel**) say also for a borrower and **Rav** agrees with me.
  - **Q:** Did **Shmuel** mean to say that we also evaluate for a borrower, or that we also don't evaluate for a borrower? **A:** We find a case where a borrower broke the borrowed ax and **Rav** made him pay for a full new ax. We see that we don't evaluate for a borrower.
    - That is no proof, because in that case **R' Kahana** and **R' Assi** asked **Rav**, "is that the halacha?" and **Rav** remained quiet. If anything, that shows that we do evaluate for a borrower.
  - **Ulla in the name of R' Elazar** said that we do evaluate for a ganav and a gazlan, and **R' Pappi** said that we do not.
  - The Gemara paskens that we do not evaluate for a ganav or a gazlan, but we do evaluate for a borrower.
  - **Ulla in the name of R' Elazar** also said, if a birth sac emerges partly on one day and fully on the next day, we count as if the woman gave birth on the first day.
    - **Q:** **Rava** asked, that is not a chumra (by making her tamei from childbirth earlier), because it leads to a kula (because we will start counting her days of tahara from the first day as well)!? **A:** Rather, **Rava** said that we consider her tamei from the first day, but we don't start counting towards her days of tahara until the second day.
    - **Q:** If the chiddush is to teach that every part of a birth sac has a fetus in it, it is unnecessary to teach that, because we have already learned that in a Mishna that says that every part of an animal's birth sac has a fetus!? **A:** From that Mishna, we would think that not every part of the birth sac has a fetus, but rather we must be concerned that eating part of the animal's birth sac when it only partially emerged is only assur as a gezeira for a case when it emerged totally (in which case there was definitely a fetus inside).
  - **Ulla in the name of R' Elazar** said, if a bechor was killed within 30 days of his birth, we do not need to do pidyon haben. **Rami bar Chama** learns this halacha from the extra word "ach" in the pasuk.
  - **Ulla in the name of R' Elazar** said, large animals can be acquired with meshicha.
    - **Q:** A Mishna says they can be acquired with mesirah!? **A:** He holds like **Chachomim**, who say that meshicha is effective.
  - **Ulla in the name of R' Elazar** said, when brothers divide an estate and are evaluating what each one took, they also take into account the clothing that they are wearing from the estate. **R' Pappa** said, the oldest brother does not need to do that, because all the brothers want him to look presentable, so that he will represent them well in business.
  - **Ulla in the name of R' Elazar** said, if one shomer gives the item to another shomer, the first shomer is patur, even if the first shomer was a paid shomer (who has higher responsibility) and the second shomer was a shomer chinam (who has less responsibility), since the second shomer is still a person with mental capacity. **Rava** said, the first shomer is chayuv, even if the second shomer had a higher level of responsibility, because the owner can tell the shomer, it is only you that I trust with an oath, and not this second person.
  - **Ulla in the name of R' Elazar** said, the halacha is that we can collect the slaves of the debtor as payment for a debt.

- **Q: R' Nachman** asked **Ulla**, did **R' Elazar** even say that slaves may be collected from orphans for their father's debt? **A:** He said, no. Only from the debtor himself.
  - **Q:** One may even take the shirt off the back of the debtor himself, so what is the chiddush!? **A:** The case is that the debtor made the slave into an "apotiki" and then sold him. In that case the creditor may take the slave from the purchaser as payment for his debt. As **Rava** said, this may be done for a slave that was sold, but not for an ox that was sold, because only a slave that was sold becomes public knowledge.
- When **R' Nachman** left the Beis Medrash, **Ulla** said, in truth **R' Elazar** even allowed collecting slaves from the orphans. When **R' Nachman** heard that **Ulla** said that, **R' Nachman** said, **Ulla** is hiding from me.
  - When **R' Chana bar Bizna** paskened in practice like **Ulla**, **R' Nachman** told him, give the slave back to the orphans, and if you don't, I will may you pay them back from your own money.
- **R' Nachman** explained to **Rava**, I hold the way I do because we see that slaves are not treated like land for purposes of pruzbul or for kinyan agav. Therefore, they are not treated like land for purposes of collection from orphans either.