



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

### Bava Kamma Daf Kuf Yud

- A Braisa says, how do we know that a Kohen can offer his own korbanos whenever he wants? We learn it from the pasuk "uvah b'chol avas nafsho...v'sheireis". How do we know that he gets the meat and the hides? The pasuk says "v'ish es kadashav lo yihyu". Based on this, if the Kohen who brings the korbon has a mum, he gives it to a Kohen of that mishmar to offer it, but the meat and hides belong to the Kohen who brought the korbon. If he was old or sick, but does not have a mum, he can give it to any Kohen to offer it for him, but the meat and the hides go to the Kohanim of that mishmar.
  - **Q:** What is the case of the Kohen being old or sick? If he is fit to do the Avodah, then he should even get the meat and the hides, and if he is not fit to do the Avodah, then how can he appoint any Kohen as a shaliach (instead of giving it to the Kohen of that mishmar)? **A: R' Pappa** said, the case is that he can do the Avodah with difficulty, and therefore he can appoint any Kohen as a shaliach. However, with regard to eating the korbon, doing so with difficulty is not a valid form of eating a korbon. Therefore, the meat and the hides go to the Kohanim of that mishmar.
- **R' Sheishes** said, if a Kohen of the mishmar was tamei and was given a Korbon Tzibbur to offer, he may give it to any Kohen that he wants to offer it for him, and the meat and the hides are given to the Kohanim of the mishmar.
  - **Q:** What is the case? If there are tahor Kohanim in the mishmar, how can a tamei Kohen be asked to offer it? If there are no tahor Kohanim, how is the meat and hides given to the Kohanim of the mishmar? Since they are tamei, they cannot eat the meat! **A: Rava** said, we must say it means that the meat goes to the Kohanim with mums of that mishmar who are tahor.
- **R' Ashi** said, if a Kohen Gadol is an onein and has his own korbon to offer, he may give it to any Kohen he wants to offer it for him, but the meat and hides go to the Kohanim of the mishmar.
  - **Q:** This seems obvious, because a Braisa says that a Kohen Gadol may offer korbanos as an onein, but cannot eat them!? **A:** We would think that he may offer it himself as an onein, but cannot appoint another Kohen to act as his shaliach to do so if he is an onein.

### MISHNA

- If someone stole from a ger and swore falsely that he did not steal, and the ger then died without heirs, the ganav must pay the principle and additional fifth to the Kohanim and bring an Asham. This is based on the pasuk.
- If the ganav was bringing the money and the animal to Yerushalayim and he died, the money is given to the ganav's heirs and the Asham is to graze until it gets a mum, and is then sold and the money used for a nedavah.
  - If he had already given the money to the Kohanim of that mishmar and he then died before bringing his Asham, the heirs cannot get the money back from the Kohanim.
  - If he gave the money to the Yehoyariv mishmar and the Asham to the Yedaya mishmar (which is the next mishmar), he is yotzeh (the Asham cannot be brought until after the money is returned). If, instead, he gave the Asham to the first and the money to the second, then if the Asham still exists, it should be given to the Yedaya mishmar to be offered. If it was already offered, the ganav must bring another Asham.
  - If he gave the principle, but not the additional fifth, the fifth does not hold back his kaparah.

## GEMARA

- A Braisa says, the word “asham” in the pasuk refers to the principle payment, and “hamushav” refers to the fifth. You may suggest that “asham” refers to the actual korban, [the significance of that would be the statement of **Rava**, who says that by calling the principle payment “asham”, we learn that if the ganav returned the principle at night or only partially, he is not yotzeh]. However, when the pasuk then says “milvad eil hakipurim”, we see that the earlier “asham” refers to the principle payment.
  - A Braisa says, the word “asham” in the pasuk refers to the principle payment, and “hamushav” refers to the fifth. You may suggest that “asham” refers to the fifth, [which would teach that the fifth is essential to bringing about his kaparah]. The pasuk says “v’heishiv es ashamo b’rosho vachamishiso”, which clearly shows that “asham” refers to the principle payment.
  - A Braisa says, the word “asham” in the pasuk refers to the principle payment, and “hamushav” refers to the fifth, and the pasuk is discussing one who stole from a ger with gezel. You may suggest that “hamushav” refers to keifel and the pasuk refers to one who steals from a ger with geneivah. When the pasuk says “v’heishiv es ashamo b’rosho vachamishiso”, it teaches that we are talking about a principle payment, not a keifel payment.
- The Gemara brought the statement of **Rava**, that a ganav who stole from a ger and returned the money to the Kohanim at night or only partially is not yotzeh, because the Torah refers to it as “asham”.
  - **Rava** also said, if the money given to the Kohanim of the mishmar is not enough to give at least a perutah to each Kohen of the mishmar, he has not fulfilled his obligation to return the money, because the pasuk says “ha’asham hamushav”, which teaches that there must be a return to each Kohen of the mishmar.
    - **Q: Rava** asked, if the ganav doesn’t have enough to give a perutah to each Kohen of the Yehoyariv mishmar, but has enough to do so for the Yedaya mishmar, what is the halacha if he gives it to Yedaya during the mishmar of Yehoyariv? Do we say it is not effective because it is given to the wrong mishmar, or do we say it is not sufficient for the current mishmar, so giving it to another one is okay? **TEIKU**.
    - **Q: Rava** asked, may Kohanim trade a share of property given to them as a return for property stolen from a ger for other property given to them as property stolen from a ger? Do we say that since the pasuk refers to it as “asham”, it is therefore treated as an asham, and one portion cannot be traded for another, or do we say this is simply money, and it can be traded? **A: Rava** then answered, that by calling it “asham”, the pasuk teaches that it cannot be traded for another portion.
    - **Q: Rava** asked, are Kohanim considered to be inheriting the property of the ger or are they considered to be getting it as a gift from Hashem? The difference would be if chametz was stolen from the ger and Pesach has now passed. If they are inheriting it, then the ganav can give back the actual chametz (which is now worthless) and be yotzeh. If they are getting a gift, he would not be able to give them the chametz, because it is worthless. **R’ Ze’eira** asked, even if they are considered to be getting a gift the ganav would be able to just give back the chametz, because that is the gift that Hashem instructed to be given to them. The question is if the Kohen gets 10 animals from the property of the ger. If they are inheriting it, the Kohen must give maaser. If it is a gift, he does not have to give maaser. What status does it have? **A:** A Braisa lists the 24 gifts given to the Kohanim, and lists “stolen property of a ger” as one of the gifts. We see that it has the status of a gift.

## NOSSAN ES HAKESEF L’ANSHEI MISHMAR...

- **Abaye** said, we see from here that the return of the money to the Kohanim accomplishes part of the kaparah, because if it accomplished nothing at all we would say they should return the money to the ganav’s heirs, because he certainly did not mean to give the money if it would not accomplish anything.

- **Q:** Based on this logic, if the owner of a chatas died, the animal should go out to chullin, because he surely didn't designate it as a korbon if it wouldn't ultimately bring him a kaparah!? **A:** It is a Halacha L'Moshe MiSinai that if the owner of a chatas died, the animal is left to die as well.
- **Q:** Based on this logic, if the owner of an asham died, the animal should go out to chullin, because he surely didn't designate it as a korbon if it wouldn't ultimately bring him a kaparah!? **A:** It is a Halacha L'Moshe MiSinai that if the owner of an asham died, the animal is left to graze until it gets a mum and can then be redeemed.
- **Q:** Based on this logic, if a yevamah falls in yibum to a man she finds repulsive she should not even need chalitza, because we should say that she surely didn't agree to get married to her husband if she would have known that he would have died childless, leaving her to this man for yibum!? **A:** We know that she wanted to get married even though there was a chance that she may ultimately fall in yibum to this brother. As **Reish Lakish** said, a woman would do anything to be married.