



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

Bava Kamma Daf Kuf Tes Zayin

IHM AMAR LO ATZIL ES SHELICHA...

- **Q:** Why can't the owner of the honey claim that he was joking with him? A Braisa says that one can make that claim to a boat operator when he offers him a lot of money to cross the river as he is escaping from prison!? **A:** The end of that Braisa gives a case of a boat operator who loses money by taking him across (e.g. he is a fisherman who now couldn't catch fish) and says that he would have to be reimbursed for his loss. That is the better comparison to our Mishna.

SHATAF NAHAR CHAMORO VACHAMOR CHAVEIRO...

- It was necessary to give this case in addition to the case of the broken barrel. If we would only have the first case we would say only in that case he is reimbursed, because he went and destroyed his wine to save the honey. However, in the case of the river, his donkey drowned on its own, with no act of his, and therefore he doesn't get reimbursed beyond his time. Also, if we only had the second case, we would say that in that case if he didn't make a deal beforehand he only gets paid for his time, because the donkey drowned on its own. However, in the case of the barrel, since he destroyed his wine he should get reimbursed for the wine even if he didn't say anything beforehand. That is why both cases are needed.
- **Q: R' Kahana** asked **Rav**, what if the first person saved the second person's donkey, and the first person's donkey ended up saving itself? Can he still ask for payment for his donkey? **A: Rav** said, he gets full payment. The fact that his donkey saved itself was a gift given to him from Heaven. As we see that it once happened when **R' Safra** travelled with a caravan that a lion miraculously accompanied them to protect them the entire way. Each night they would take the donkey of one person to feed the lion. When they took **R' Safra's** donkey, the lion refused to eat it, so he took it back for himself. We see that he was allowed to take it back for himself. The same would be with this person. He can take back his donkey without sharing it with the other person.
- **Q: Rav** asked **Rebbi**, what if the person was unsuccessful in saving the other person's donkey? Is he still entitled for payment of his donkey? **A: Rebbi** said, this is a good question. The answer is that he will only get paid for his time.
 - **Q:** A Braisa says, if a worker was hired to bring medicine to a sick person, and when he got there the sick person either had died or was healed, he still gets paid his full fee!? **A:** In that case he did what he was hired to do (bring the medicine). In this case he did not (he did not save the donkey).
- A Braisa says, if a caravan was attacked by robbers and they were able to pay a ransom to have them go away, the cost must be divided among the members according to the amount of money that they had with them, not just by the number of people. If they hired a guide to lead the way, the cost of paying him is divided by the amount of people as well. However, we do not deviate from the usual custom of the donkey drivers. The donkey drivers may agree that if one of them loses his donkey, all the others are to chip in to replace it for him. If a donkey is then lost due to negligence, they would not have to replace it for him, but if it was not through negligence, they would. If the one who lost his donkey says, just give me the money and I will continue to watch the rest of the donkeys with you, we do not do so, because he will not be incentivized to truly watch the donkeys anymore.
 - **Q:** It seems obvious that they would not have to just give him the money!? **A:** The case is where he anyway has another donkey in the group, so he is still incentivized. The chiddush is that he will be more incentivized if he has 2 donkeys in the group.
- A Braisa says, if a ship is threatened by waves, and they throw things overboard to lighten the load, the loss is divided among all the people on the ship according to the amount of weight they brought on, not by the amount of money. However, they should not deviate from the custom of the sailors. The sailors can agree that whoever among them loses a ship, all the other

will replace the ship for him. If a ship is then lost due to negligence, they would not have to replace it for him, but if it was not through negligence, they would. If the one who lost his ship had gone into a place where ships should not go, they do not have to replace it for him.

- **Q:** This last statement seems obvious!? **A:** The case is that he went in a place where parts of the year a ship can go and parts it cannot, and he went there when he should not. Still, since parts of the year he can, maybe it is not considered negligent.
- A Braisa says, if a caravan is attacked and all the property was stolen, and one person went and rescued all the property, he must give back the property to the proper owners. However, if he said “I am saving the property for myself”, it all belongs to him.
 - **Q:** What is the case? If other people could also save the property, the people are not meya’ish, so how can he keep it? If others can’t save it, even in the first case he should be able to keep all the property!? **A: Rami bar Chama** said, the case is that all the people were partners in the property, and in a case where the property stands to be lost a partner may unilaterally dissolve the partnership. Therefore, if he says he is doing it for himself, he has dissolved the partnership. If he doesn’t say so, the partnership still exists. **A2: Rava** said, the case is that the rescuer was hired by all the people to save the property, and it follows **Rav** who says that a worker may terminate his employment whenever he wants. Therefore, if he terminates his employment he keeps it all for himself. If he doesn’t, it remains the property of the people. **A3: R’ Ashi** said, the case is that other people can rescue the property with difficulty. Therefore, if he doesn’t say anything, they are not meya’ish. If he says he is keeping it for himself, and they don’t say anything, it shows that they are meya’ish.

MISHNA

- If a person steals a field, and someone (“masikin” – people taking for the king) then steals the field from him, if these masikin were taking the fields of everybody, the first ganav can tell the owner “here is your field” and is patur. However, if the second ganav only took it because it was thought to be of the first ganav (e.g. the king took it only because he thought it belonged to the first ganav), he would have to pay back a field to the owner.

GEMARA

- **R’ Nachman bar Yitzchok** said, some have the version of the word as “masikin” and others have “matzikin”. Both are correct, based on pesukim.

IHM MACHMAS HGAZLAN CHAYUV

- **Q:** What is the case? The case can’t be that the ganav of the king only took the ganav’s field and nobody else’s field, because that is already known based on the first part of the Mishna!? **A:** This case refers to someone who showed the field (didn’t actually steal it) of another to the masikin, causing them to take it. Because he did so, he must replace the field that was taken.
 - **Another version** says, this second case of the Mishna is discussing where goyim forced a person to show them fields to take and he showed them his own field along with fields that he had stolen. The Mishna teaches that he must pay for the stolen field in that case.