



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 Zayin

- There was a person who showed the wheat of the Reish Galusa to goyim who were looking to take assets from people. **R' Nachman** said this person is chayuv to pay for having shown them the wheat (and indirectly causing the wheat to be lost to them). **R' Huna bar Chiya** asked him, is this based on halacha or did you pasken that way as a penalty? **R' Nachman** said, we learn it from our Mishna, which says that if someone stole a field and it was then taken by goyim, if it was "because of the ganav" that this particular field was taken, the ganav is chayuv, and we explained the Mishna as talking about a person who showed this field to such goyim. When **R' Nachman** then left, **R' Yosef** said to **R' Huna bar Chiya**, why is it a difference why he paskened that way (whether based on halacha or a penalty)? He answered, if this is the halacha, we can learn to other places of indirect damages that the person will be chayuv. If it is based on a penalty, we could not use this to learn to other places. **R' Huna bar Chiya** explained, we see from a Braisa that we can't learn from a case of penalty. The Braisa says, if someone makes someone else's produce tamei, or makes his wine into yayin nesech, he is chayuv. The **Rabanan** later added, that someone who mixed someone else's produce with terumah is also chayuv. Now, this suggests that only because the **Rabanan** later added this case is he chayuv. However, if not, we could not have learned from those cases, because they are cases of penalty. **R' Yosef** said, that is no proof. It may be that we can learn from cases of penalty. In the Braisa we would have thought to only make him chayuv in the first two cases, because those cause greater damage, whereas mixing chullin with terumah does not, and that is why we would say that he should be patur in that case.
 - **R' Huna** said, the father of **R' Avin** taught a different version of this Braisa, which said that the halacha was first stated regarding making tamei and mixing chullin with terumah, and later they added the case of yayin nesech. According to this version we can say that it must be that we can't learn to other cases of penalty. **R' Yosef** said, even according to this there is no proof. It may be that initially they held like **R' Avin**, who says that since the person who pours wine to avodah zarah and makes it yayin nesech will be chayuv misah, he will not be chayuv to pay for the wine. However, later the **Rabanan** held like **R' Yirmiya**, who says he will be chayuv to pay for the wine, because he is koneh the wine when he lifts it, and is not chayuv misah until he actually pours it.
- **Rava** asked **R' Huna bar Yehuda** to tell him any recent psak he may have given. **R' Huna** said, he was asked about a case where goyim forced a Yid to show them someone else's money, and the goyim then took that money, and I said the person is chayuv to pay for having shown the money. **Rava** said, that is incorrect, because a Braisa says, if goyim forced a Yid to show them someone's money, he would be patur, but if he took it and handed it to them he would be chayuv.
 - **Rabbah** said, if a Yid showed it to the goyim without them forcing him to do so, it is as if he took it and handed it to them, and he would be chayuv.
 - A person was forced by goyim to show them someone's wine. After showing it to them they told him "pick it up and bring it with us", and he did so. **R' Ashi** said the person is patur even though he physically gave it to them, because once he showed it to them (for which he would be patur, because he was forced) the money was already considered as lost.
 - **Q: R' Avahu** asked **R' Ashi**, a Braisa says, if such a goy told a Yid "stretch out to me that bundle or that cluster of grapes" and he did so, he is chayuv!? **A:** That case is talking about where the goy was on the other side of the river, and he therefore could not get it without it being handed to him by the Yid.

- There were 2 people arguing over the ownership of an animal trap. One of them went and gave it to an officer of the king. **Abaye** said, this person can't be held liable, because he can say that he handed over something that belonged to him. **Rava** said, he cannot do that, because we do not know if it is his. Rather, we put him in cheirem until he brings the trap back to be judged in Beis Din.
- There was a person who was going to show another's bundles to such goyim. **Rav** told him "you may not do so!" He said "I will do so anyway". **R' Kahana** went and killed the person. **Rav** explained that this was mutar to do, because once the goyim come for money, they will come back to murder as well. **Rav** told **R' Kahana** to run away to EY to avoid the government arresting him for murder. The Gemara tells how he went to **R' Yochanan** and at first (based on instruction of **Rav**) did not try to refute his shiur. He was put to the back of the room and therefore decided to begin refuting the shiur. When **R' Yochanan** finally looked at him, he saw that **R' Kahana** appeared to be smirking at him (because of a deformity to his lips). This caused **R' Yochanan** to feel bad and **R' Kahana** died as a result. When **R' Yochanan** realized that he wasn't truly smirking he went to the cave in which **R' Kahana** was buried and brought him back to life.
- There was a person who showed the silk of **R' Abba** to such goyim. **R' Avahu**, **R' Chanina bar Pappi**, and **R' Yitzchok Nafcha** wanted to make the person chayuv based on a Mishna that says that a dayan must pay if he paskened wrong and caused someone a loss. **R' Illa** told them, **Rav** explained that the Mishna is talking about where the dayan physically took the money from one person and gave it to the other. If that didn't happen, the dayan would be patur. They told **R' Abba** to go to **R' Shimon ben Elyakam** and **R' Elazar ben Pedas**, who judge such cases of "garmi" (causative damage). He went to them and they said the person is chayuv based on our Mishna that says, if someone stole a field and it was then taken by goyim, if it was "because of the ganav" that this particular field was taken, the ganav is chayuv, and we explained the Mishna as talking about a person who showed this field to such goyim.
- A person was given a silver cup to watch. Robbers came and threatened him, and he gave them the silver cup and saved himself. **Rabbah** said he is patur from having to pay. **Abaye** said, he saved himself with someone else's money, and should have to pay!? **R' Ashi** said, we determine, if the shomer was a wealthy person, and the robbers came for his assets, and he placated them with the silver cup, he saved himself with someone else's property and would therefore have to pay. However, if he was not a wealthy person, they must have come for that particular cup, and would therefore not have to pay.
- A person was given money of "pidyan shivuyim" to watch. Robbers came and threatened him, and he gave them this money. **Rabbah** said he is patur from having to pay. **Abaye** said, he saved himself with someone else's money, and should have to pay!? **Rabbah** said, what he did with the money is pidyan shivuyim, and therefore he does not have to pay.
- A person put his donkey onto a boat, and the boat was threatened with sinking because of it. A person went and pushed it overboard. **Rabbah** said he is patur from having to pay. **Abaye** said, he saved himself with someone else's money, and should have to pay!? **Rabbah** said, the donkey's owner is considered to be a "rodef", and as such one may damage his property when trying to save himself.
 - **Rabbah** follows his shitah elsewhere where he says that the one who is being chased by a rodef would be patur if he broke the keili of the rodef while trying to save himself.

MISHNA

- If a river flooded a stolen field, the ganav can simply tell the owner "here is your field" and be patur.

GEMARA

- A Braisa says, if a ganav steals a field and a river then floods it, **R' Eliezer** says the ganav would have to pay for another field. The **Chachomim** say he can tell the owner "here is your field".

- The machlokes is based on the following. **R' Eliezer** darshens the words of the pasuk with a "ribuy, mi'ut, v'ribuy", which results in everything being included in the halachos of a stolen object having to be returned as it was stolen, with the one exception being the stealing of documents. The **Chachomim** darshen the words with a "klal, uprat, u'klal", with the result that things are included only if they are moveable property *and* are things of intrinsic value. This would exclude land, slaves (which are compared to land), and documents.
- Although a Braisa says that they argue regarding a cow that was stolen and drowned in a flood (which is neither land nor documents), **R' Pappa** said, that Braisa is discussing where the ganav stole land, on which was a cow. **R' Eliezer**, who holds that the ganav is koneh the land, will hold that he is koneh the cow as well (through the land). The **Chachomim**, who hold that he is not koneh the land, will therefore hold that he was not koneh the cow either.