



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

### Bava Kamma Daf Yud Beis

- **Q:** The Gemara brought a machlokes between **Ulla** (who said that a slave is like land in the respect that one can collect a debt by taking the debtor's slaves, even from the debtor's heirs) and **R' Nachman** (who said that a slave is not like land to that extent). Maybe we can say that it is actually a machlokes among Tanna'im. One Braisa says that slaves cannot be used to make a kinyan agav, whereas another Braisa says that slaves can be used for a kinyan agav. Maybe the machlokes is that the first Braisa holds that slaves are not like land and the second Braisa holds that they are like land? **A: R' Ika the son of R' Ami** said, it may be that all agree that slaves are like land, and the machlokes may be whether for kinyan agav we need actual land, which is not moveable, or whether a slave, which is moveable "land" can also be used. **A2: Others** say that **R' Ika the son of R' Ami** said, it may be that all agree that slaves are not like land. The Braisa that says that moveable items can be acquired along with a slave is referring to where the moveable items are actually on the slave, and it is a kinyan chatzer, not a kinyan agav.
  - Although kinyan chatzer doesn't work when the chatzer (in the case the slave) is moveable, the case is that the slave was tied up and couldn't move.
  - **Q:** The first Braisa referenced above also said that a slave cannot be acquired along with a piece of land, with a kinyan agav. Another Braisa says that the slave can be acquired in this way!? **A:** That Braisa is discussing where the slave is standing in the field, and he is acquired with kinyan chatzer.
    - **Q:** According to the answer of **R' Ika** that said that slaves are considered to be land, why would he have to be standing in the land in order to be koneh him? **Shmuel** has taught that one can be koneh even 10 different pieces of land that are in different places, just by making a kinyan on one of them!? **A:** Even according to the answer that slaves are not land, it would make no sense to require that the slaves be on the land in order for the person to acquire the slave along with the land. We must say, the reason why the slave must be in the land is because a slave is an object that can move on his own. We will say the same thing even if the slave is considered to be land. Since he can move on his own, he cannot be acquired with the kinyan made on a different piece of land unless he is on that piece of land.

NECHASIM SHE'EIN BAHEM ME'ILAH...

- The Mishna suggests, that if a property is not subject to me'ilah, even if it is of hekdes, a mazik would be chayuv for the damage caused. **R' Yochanan** said, this must be referring to kodashim kalim and follows **R' Yose Haglili**, who says that kodashim kalim are considered to be the property of the owner.
  - **Q:** A Mishna says that if a man is mekudeshes a woman using kodshei kodashim or kodashim kalim, the kiddushin is not valid. Maybe we must say that the Mishna doesn't follow **R' Yose Haglili**, who says that kodshei kalim are considered to be owned of the person who has it (which should mean that if he gives it for kiddushin, the kiddushin should be valid)!? **A:** He only says that when the animal is still alive. Once the animal has been shechted as a korbon, he agrees that it is no longer considered to be owned by the person who has it, because when the person gets a portion to eat, it is given to him from "Hashem's portion".
    - **Q:** We have learned an explanation to a Mishna regarding a Kohen's right to sell an animal bechor, that even **R' Yose Haglili** would hold that it may not be done even when the animal is alive. Now, based on what we just said, he should be able to sell it when the animal is alive!? **A:** The matnos kehuna are different.

Although they are kodshei kalim, they are considered to be given to the Kohen from "Hashem's portion".