



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

Bava Kamma Daf Nun Vuv

- A Braisa says, **R' Yehoshua** says, there are 4 things that if a person does them he is patur from paying in this world, but is chayuv under the laws of Heaven: one who breaches a fence in front of his friend's animal; one who bends his friend's grain toward a fire; one who hires false witnesses to testify; and one who knows testimony for his friend and doesn't testify.
 - **Q:** What is the case of the one who breaches the fence? If it is talking about a strong fence, he should certainly be chayuv to pay for breaking a strong fence!? **A:** Rather, we must say it is talking about a weak fence (which must anyway be taken down).
 - **Q:** What is the case of bending the grain towards the fire? If by bending it the fire was able to reach it even with a normal wind, he should even be chayuv to pay!? **A:** We must say that by bending it the fire was able to reach it with an abnormally strong wind. **R' Ashi** said the case is where he covered over the grain, in which case the one who lit the fire becomes patur.
 - **Q:** What is the case of one who hires false witnesses? If he hired them to gain money for himself, he should have to pay back the money!? **A:** The case is that he hired them for the benefit of someone else.
 - **Q:** What is the case of the person who didn't testify? If there was someone else who would testify with him, it is obvious that he is chayuv under the laws of Heaven, because there is an issur in the pasuk to hold back testimony – "ihm lo yagid v'nasa avono"! **A:** The case must be where he would be a single witness.
- **Q:** The Braisa seems to say that there are no other cases that one would be patur in this world and chayuv under the laws of Heaven, but there seem to be many more!? There is the case of one who does work with the parah adumah water (making it passul) or with the parah adumah itself (making it passul); there is the case of one who puts poison in front of another's animal, and the animal eats it and dies; there is the case of one who gives a fire to a cheireish, shoteh, or katan; there is the case of someone who scares another person and thereby injures him; there is the case of one whose pitcher broke in the reshus harabim and he did not pick up the pieces, or of one's camel that fell and he did not pick it up, and they do damage, and in all these cases the halacha is that the person is patur from paying and chayuv under the law of Heaven!? **A:** It is true that there are many others. However, the Braisa focused on these four, because we would think that in these 4 cases he is not even chayuv under the laws of Heaven, so the Braisa teaches that he is. In the case of the breached fence, we would think that since this fence must anyway come down, he should be patur under the laws of Heaven as well. In the case of bending the grain towards the fire, we would think that he had no reason to think that an abnormal wind would come and he should therefore be patur from Heaven. According to **R' Ashi**, who says the case is where he covered the grain, we would think to say that he can say he was trying to protect the grain by covering it and should therefore be patur. In the case of hiring false witnesses, we would think he can say the witnesses should not have listened to me, and he should therefore be patur even by Heaven. In the case of failing to testify, we would think that he can say, even if I would have testified (causing the other person to have to swear), maybe the other person would have sworn falsely, and I therefore didn't cause any loss of money, and should therefore be patur from Heaven as well. The Braisa therefore teaches that even in these four cases he is chayuv under the laws of Heaven.

NIFRITZA BALAYLA OY SHEPARTZUHA LISTIM...

- **Rabbah** said, the owner is patur only when the animal escaped by digging under the wall.
 - **Q:** Is this to mean that if it did not dig its way out he would be chayuv? What is the case? If it was a strong wall, why should he be chayuv? What else was he to do? Rather, you will say the case is where it was a weak wall. If so, why would he be patur if it dug

its way out? This is a case that began with negligence (the weak wall) and ended with an oneis (the digging). This makes sense according to the view that in such a case the person is patur, but according to the view that he is chayuv, why would he be patur in this case!? **A:** Our Mishna is discussing a case of a strong wall, and the owner would be patur even if the animal did not dig under it. **Rabbah** made his statement on the end of the Mishna, where the Mishna said, if the owner left the animal in the sun or gave it to an incompetent person and it then escaped and damaged, he would be chayuv. On this, **Rabbah** said he is chayuv even if the animal escaped by digging under the wall, because the entire escape is due to his negligence. Leaving an animal out in the sun forces it to use any means to escape.

HOTZI'UHA LISTIM LISTIM CHAYAVIN

- **Q:** This is obvious!? Once they take it out, it is considered to be in their reshut for all purposes!? **A:** The case is that they didn't actually remove the animal. Rather, they stood in front and blocked its path, forcing it to exit in the direction that they wanted it to go. **Abaye** told **R' Yosef**, the case can also be where the robbers hit the animal with sticks until it went to where they wanted it to go.

MISARA LIRO'EH NICHNAS HARO'EH

- **Q:** Whose place does the shepherd take over? It can't mean to say that he takes the place of the owner, because that was already taught in a previous Mishna, where it says that all shomrim take the place of the owners!? **A:** It is talking about a case where the owner gave it to a shomer, who then gave it to a shepherd (who is a second shomer), and is teaching that the shepherd becomes fully responsible for the animal.
 - **Q:** This means that the first shomer becomes patur, which refutes **Rava**, who says that the first shomer in this case remains chayuv!? **A:** **Rava** would say, the case is that the first shomer, who was a shepherd, gave the animal to his apprentice. In that case all agree that the first shomer is patur, because an owner knows that when he gives an animal to a shepherd it is normal for him to pass it along to his apprentice.
 - **Others** say as follows. Since the Mishna singles out giving over to a shepherd, and not giving over to "someone else", it must mean that only in the case of giving it to a shepherd is he patur, because it is expected that he would give it to his apprentice. This supports **Rava**, who says that typically the first shomer remains chayuv.
 - The Gemara says, this is no proof. It may be that the Mishna spoke in terms of a shepherd because that is a usual case, but in truth the same halacha would apply to any shomer.