



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

Bava Kamma Daf Ayin Beis

HASHOCHET V'NIMTZEIS TREIFAH...

- **R' Chavivi MiChuzna'ah** said to **R' Ashi**, we see from our Mishna that the act of shechita is considered to take effect at the end of the act, because if the act is considered to begin at the beginning of the shechita, then it would become assur at the very beginning of the shechita in the Azarah, and the rest of the shechita would no longer be considered as if done to the animal of the owner (because it is assur), and he should therefore not be chayuv for daled v'hey. **R' Huna the son of Rava** said, this no proof. It may be that the beginning of the act already makes it assur, but it may also be that the beginning of the act is also what creates the liability of daled v'hey! **R' Ashi** said, that cannot be, because the pasuk says "utivacho", which teaches that a complete shechita is needed to obligate in daled v'hey.
 - **Q:** How would the view that shechita that makes something assur (as when shechted in the Azarah) begins at the start of the shechita explain our Mishna? **A:** **R' Ashi** said, **R' Gamda in the name of Rava** said, the case of the Mishna is where he shechted part of the trachea and esophagus outside the Azarah and completed cutting them inside. Therefore, the issur came at the end of the shechita, which is also when the daled v'hey obligation set in.
 - **Others** say that the above discussion was said in reference to the following machlokes. **R' Shimon in the name of R' Levi Saba** said, the act of shechita is considered done only at the end. **R' Yochanan** said, it has effect in the beginning as well. On this machlokes **R' Chavivi MiChuzna'ah** said to **R' Ashi**, maybe we should say that **R' Yochanan** holds that the issur of shechting chullin in the Azarah is only D'Rabanan, because if he holds it is D'Oraisa, why is the ganav chayuv for daled v'hey in our Mishna? The animal should become assur at the beginning of the shechita in the Azarah, and the rest of the shechita would no longer be considered as if done to the animal of the owner (because it is assur), and he should therefore not be chayuv for daled v'hey!? **R' Acha the son of Rava** said, this no proof. It may be that the beginning of the act already makes it assur, but it may also be that the beginning of the act is also what creates the liability of daled v'hey! **R' Ashi** said, that cannot be, because the pasuk says "utivacho", which teaches that a complete shechita is needed to obligate in daled v'hey.
 - **Q:** How would the view that shechita that makes something assur (as when shechted in the Azarah) begins at the start of the shechita explain our Mishna? **A:** **R' Ashi** said, **R' Gamda in the name of Rava** said, the case of the Mishna is where he shechted part of the trachea and esophagus outside the Azarah and completed cutting them inside. Therefore, the issur came at the end of the shechita, which is also when the daled v'hey obligation set in.

MISHNA

- If witnesses testified that someone stole an ox or sheep and then testified that he shechted or sold it, and they were then found to be zomemim, they must pay the entire amount of daled v'hey.
- If witnesses testified that someone stole an ox or sheep and other witnesses then testified that he shechted or sold it, and they were all found to be zomemim, the first set must pay keifel, and the second set pays the difference between daled v'hey and keifel.
 - If only the second set were found to be zomemim, the ganav must pay keifel, and the second set pays the difference between daled v'hey and keifel.
 - If only one witness of the second set was found to be a zomeim, the entire second set becomes batul. If one witness of the first set was found to be a zomeim, both sets of

witnesses are batul, because if there is no established theft, there is no liability for the shechita or selling either.

GEMARA

- We have learned, regarding a witnesses that was found to be a zomeim, **Abaye** said he becomes passul retroactively from when he gave his testimony, because at that time he has given false testimony and is labeled as a rasha, and the pasuk says that a rasha is passul to say testimony, and **Rava** said he becomes passul from the time he is found to be a zomeim and onward, because the fact that we believe the witnesses who are labeling these witnesses as zomemim, rather than the other set, is a chiddush, and therefore we can only apply the psul from the time that they are found to be zomemim.
 - **Others** say, that **Rava** really holds like **Abaye** that he becomes passul retroactively, and the only reason he says they become passul on a going forward basis is to protect purchasers who may have used these people as witnesses on their documents during this time, unaware that they were passul.
 - **Q:** What is the difference between the two reasons given for **Rava**? **A:** One difference would be where 2 witnesses made one witness a zomeim and two others made the second witness a zomeim. In that case it is not a chiddush that we believe the other witnesses, because it is 2 against 1, not 2 against 2. However, the concern for the purchasers still exists. Another difference would be if the second set of witnesses makes the first set passul by testifying that they are thieves. In these cases, there is no chiddush that the second set are believed, but the concern for the purchasers still exists.
 - **R' Yirmiya MiDifti** said, **R' Pappa** paskened in practice like **Rava**. **R' Ashi** said the halacha follows **Abaye**. The Gemara paskens like **Abaye** (this is the "ayin" of the mnemonic "y'aal k'gam", which are the cases in which we pasken like **Abaye** over **Rava**).