



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

### Bava Kamma Daf Ayin Tes

#### MISHNA

- If the ganav steals the animal in the reshus of the owner and shechts or sells it out of his reshus, or if he steals it out of his reshus and shechts or sells it in his reshus, or if he steals it and shechts or sells it out of his reshus, he is chayuv to pay daled v'hey. However, if he steals and shechts or sells it all in the reshus of the owner, he is patur.
- If the animal died in the reshus of the owner as the ganav was pulling it and trying to take it out of his reshus, he is patur from paying anything. If he picked up the animal while in the owner's reshus, or if he dragged it out of the owner's reshus, and then the animal died, he is chayuv.
- If he gave the animal to a Kohen to redeem his bechor son (he told the Kohen to take it before he removed it from the reshus of the owner or lifted it), or to a creditor as payment, or to a shomer chinam, a borrower, a shomer sachar, or a renter, and this person (the Kohen, the creditor, the shomer) was pulling it out of the reshus of the owner and it died before leaving the reshus, the ganav is patur. If this person picked up the animal, or if he removed it from the reshus, and it then died, the ganav is chayuv.

#### GEMARA

- **Ameimar** asked, did the **Rabanan** institute the need for meshicha for a shomer to become responsible, or was that only instituted for a kinyan upon a sale? **R' Yeimar** said, our Mishna said, if the ganav gave the animal to a shomer and they began pulling it but it died before it left the reshus of the owner, he is patur. We see that even a shomer needs meshicha in order to become koneh as a shomer. **Ameimar** said, that is not what the Mishna means! The Mishna is referring to where the owner gave the animal to a shomer, and the ganav then began pulling it out of the shomer's reshus.
  - **Q:** The Mishna already taught the halacha of a ganav who begins pulling the animal from the reshus of the owner, so why is it mentioning it here again? **A:** It mentions the case of where he pulls it from the owner and then the case of where he pulls it from the shomer.
  - **R' Ashi** said, this can't be correct, because why would we even think that there is a difference between a ganav who pulls it from the owner or one who pulls it from the shomer? Rather, the case must be as we said originally, where the shomer began pulling it from the reshus of the owner, and we see from here that meshicha was instituted for a shomer as well. **SHEMA MINAH.**
    - We find that **R' Elazar** also says that meshicha was also instituted for a shomer. A Braisa says this as well, and then adds "just as land is acquired with money, shtar, or chazaka, so too a rental is acquired with money, shtar, or chazakah".
    - **Q:** What type of rental is the Braisa referring to? It can't be a rental of moveable items, because that can't be acquired with shtar!? **A:** **R' Chisda** said, it refers to rental of land.
- **R' Elazar** said, if people saw a person hiding in the forest to steal pasturing animals, and he then shechted or sold one of the animals, he is chayuv to pay daled v'hey.
  - **Q:** He didn't do meshicha, and was therefore never koneh!? **A:** **R' Chisda** said, the case is where he hit the animal with a stick and made it move.
  - **Q:** If people saw him he a gazlan, not a ganav, and should not be chayuv in daled v'hey!? **A:** Since he hid from them, he is a ganav.
    - **Q:** What would be the case of a gazlan? **A:** **R' Avahu** said, it is someone like Binyahu ben Yehoyada, who openly stole a spear from a Mitzri's hand, as is told by a pasuk. **R' Yochanan** said it is like the people of Shechem, who the pasuk

says would lie in ambush and wait for passersby and confront them and rob them.

- **R' Avahu** doesn't bring the pasuk of Shechem, because he holds they were hiding and therefore ganavim. **R' Yochanan** says that they were only hiding so that people not avoid them, not out of fear.
- A Braisa says, the talmidim asked **R' Yochanan ben Zakai**, why is that a ganav is punished more stringently than a gazlan? He told them, it is because the gazlan at least treated Hashem like people, in that he showed no fear of either. The ganav was worse in that he feared people, but did not fear Hashem. **R' Meir** gave a mashal to two people who each made a party – one invited all regular people but not the royal family, and one invited nobody at all. Obviously, the first person will be punished more severely. **R' Meir** said, look how great the value of work is – an ox who when stolen is prevented from working requires the ganav to pay 5 times its value, whereas a sheep which doesn't work only requires the ganav to pay 4 times its value. **R' Yochanan ben Zakai** said, look how great Hashem values human dignity. When a ganav steals an ox, which walks on its own, he must pay 5 times its value. However, when he steals a sheep, which he must carry on his shoulders and be embarrassed, he only pays 4 times its value.

#### MISHNA

- We may not raise small beheimos in Eretz Yisrael (because they go and feed off other people's fields), but they may be raised in Surya and in the wilderness of EY.
- We may not raise chickens in Yerushalayim because of the kodashim that is eaten there (chickens poke at the garbage, and may bring out a lentil sized piece of a sheretz and make the kodashim tamei). Kohanim may not raise chickens anywhere in EY, because of the terumah that they eat.
- We may not raise pigs anywhere, and one may not raise a dog unless it is tied on a leash.
- We may not spread nets to catch doves unless he is distanced 30 ris from the inhabited areas.

#### GEMARA

- A Braisa says, we may not raise small beheimos in Eretz Yisrael, but we may raise them in the forests of EY. In Surya they may even be raised in the inhabited areas, and certainly this holds true for Chutz Laaretz.
  - Another Braisa says, we may not raise small beheimos in Eretz Yisrael, but we may raise them in the desert of Yehuda, and of the Acko border. Even though we said these small animals may not be raised, we may raise large beheimos, because we don't make a gezeira on the people unless most people could live by it. Therefore, small animals which can be imported to EY we don't allow to be raised in EY. Large animals, which are not easily imported (and are needed to work the fields, etc.), may be raised in EY. Even though they said we may not raise small animals in EY, we may keep them for 30 days before Yom Tov, and 30 days before a wedding, as long as he doesn't keep the animals for the full 30 days when that would take it beyond the Yom Tov or the wedding. [The Gemara explains, by the end of Yom Tov all animals must be used, even if they were bought less than 30 days prior to the end of Yom Tov.] The Braisa concludes, a butcher may buy small animals and shecht them, or even hold them for up to 30 days until the market day. However, he may not hold them beyond the market day without shechting them.