



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

### Bava Kamma Daf Tzaddik Gimmel

- **R' Chanan** said, if a person looks for someone to be punished by Heaven, the person himself will be punished for his own misdeeds first. We see this from Sarah, who said to Avrohom that Hashem should judge between them, and ultimately Sarah died first. However, this concept only applies where a person could get justice done on this world, and need not look to have the other punished by Heaven.
- **R' Yitzchak** said, woe is to the one who cries out, more than to the one who caused him to cry out. A Braisa suggests this as well.
  - **R' Yitzchak** also said, do not treat the curse of a common person lightly, for we find that Avimelech cursed Sarah with blindness for covering up that she was Avrohom's wife, and the curse came to bear in her child Yitzchak.
  - **R' Avahu** said, a person should always rather be from the chased, rather than from the chasers, because the most chased birds are the "torim" and the "bnei yonah", and they are the birds that are kosher for the Mizbeach.

HAOMER SAMEI ES EINI...

- **R' Assi bar Chama** said to **Rabbah**, why is it different when he damages the person than when he damages his property? **Rabbah** said, a person is never mochel to allow someone to damage his limbs, and therefore, even though he said he was, he cannot be understood to actually mean that. **R' Assi** asked, using that logic a person should not be taken seriously even if he gives permission to cause him pain, and yet a Braisa says, if someone tells another person "hit me on the condition that you will be patur", and the person then hit him, he will be patur!? **Rabbah** remained silent and asked "have you heard a reason for this?" **R' Assi** said, **R' Sheishes** has said, the reason a person is chayuv when he damages another person even though he had permission is that the victim's injury is embarrassing to his family, and the victim could not be mochel for that.
  - We have learned, **R' Oshaya** says the reason he remains chayuv is because of the embarrassment to the victim's family, **Rava** says it is because people are not truly mochel on permanent injury to their limbs, and **R' Yochanan** said it is because one can say "yes" and truly mean "no", and visa-versa, and the Mishna is discussing where he said "yes" sarcastically. A Braisa says like **R' Yochanan**.

SHABER ES KADI KARA ES KISUSI CHAYUV

- **Q:** A Braisa seems to say based on the pasuk of "lishmor" that a person would not be chayuv for breaking a keili that the owner told him to break!? **A:** **R' Huna** said, the Mishna is talking about where the person was in possession of the other person's keili before he was told to break it, and the Braisa is talking about where he did not get it until after he was told to break it.
  - **Q: Rabbah** asked, the word "lishmor" suggests that it came to his hand before the instruction to break it!? **A:** Rather, the difference is that in the Mishna the item came to his hand for safekeeping and the owner later told him to break it. The Braisa is discussing where it came to his hand with the purpose of breaking it.
  - **R' Yosef** once gave tzedaka money to someone to watch. The person was negligent and the money was stolen. **R' Yosef** said the person is chayuv to pay back the money. **Abaye** asked, the Braisa says "lishmor" teaches he is chayuv if given to him for safekeeping, but not if given to give out to poor people!? **R' Yosef** said, the people of Pumbedisa are given steady amounts of money from this fund every week, and therefore the money is considered to have been given to the person for safekeeping for the poor people.

**HADRAN ALACH PEREK HACHOVEL!!!**

## MISHNA

- If one steals wood and makes it into a keili, or steals wool and makes it into a garment, he must pay the value like the time of the stealing.
- If one stole a pregnant cow and it gave birth, or a sheep full of wool and sheared it, he must pay the value of a cow that is ready to give birth or a sheep that is ready to be shorn.
- If one steals a cow and it became pregnant and gave birth, or he stole a sheep and it grew wool and was shorn, he must pay its value at the time of the stealing.
- The general rule is, a gazlan pays the value of the item as it was at the time of the stealing.

## GEMARA

- **Q:** They said, the Mishna says if he stole wood and made them into keilim, that is when he is koneh them, but if he only smoothed out the wood, he would not be koneh it. Also, it says if he made the wool into clothing he would be koneh it, but if he only whitened the wool, it seems he would not be koneh. However, a Braisa says, if one steals wood and smooths it, stones and smoothed them, wool and whitened it, or flax and cleaned it he pays like the time of the stealing (which means he is koneh then as well)!? **A: Abaye** said, our Mishna is talking about the wood or wool undergoing a change only D'Rabanan – where the change can be reversed. For example, he stole smoothed wood and made it into something that can be taken apart, or he stole spun wool, which he made into clothing that can be taken apart. The Mishna would certainly agree that smoothing wood and whitening wool, which are actions that can't be reversed, are surely ways that the gazlan is koneh. **A2: R' Ashi** said, the Mishna is talking about where he stole wood and smoothed it into a crusher, in which case the smoothing is all that had to be done, and the Mishna therefore agrees that smoothing the wood would make him koneh as well. The case of the wool would be that he made the wool into felt.
  - **Q:** Is whitening wool considered to be a change that would bring about a kinyan? A Mishna says that if a person whitened the first shearings before giving it to the Kohen he must still give it to the Kohen. We see that it is not considered a change that would effect kinyan!? **A: Abaye** said, the Mishna follows the view of the **Rabanan** in a Braisa (that whitening does not create a change for kinyan) and the Braisa follows **R' Shimon**, who holds that it does. **A2: Rava** said, both follow **R' Shimon**. The Mishna is talking about where the wool was only combed by hand, and therefore any whitening would not effect kinyan, and the Braisa is discussing where it was properly combed, and therefore the whitening would effect kinyan. **A3: R' Chiya bar Avin** said, the Mishna is talking about where he only washed the wool, whereas the Braisa is talking about where he used sulfur to clean it.
    - **Q:** We find a Braisa where **R' Shimon ben Yehuda in the name of R' Shimon** says that even dyeing wool is not considered to be a change for kinyan. If so, how can we say that he holds that whitening is a change for kinyan? **A: Abaye** said, the first Braisa is the view of the **R' Shimon according to the Rabanan**, and the second Braisa is the view of **R' Shimon according to R' Shimon ben Yehuda**. **A2: Rava** said, there are no 2 versions of **R' Shimon**. The reason dyeing is not considered to be a change is that the dye can be removed with washing. Whitening cannot be removed once it is done.