



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

Bava Kamma Daf Tzaddik Ches

- **Rabbah** said, if someone throws the coin of another person into the sea, he does not have to pay for any damages. Why is that? Because the first person can tell the owner of the coin, "your coin is right there, if you want it, go get it" (even though he will have to hire people to dive to the sea floor and get it, it is not considered to be lost, and therefore no actual damage has taken place). Now, this only applies when the water is clear, and the coin can therefore be seen. This also only applies when the person knocked into the hand of the owner, who was holding his coin, and caused it to be thrown into the sea. However, if he took the coin and actually threw it into the sea, his action of taking it is gezeilah, and he would then have to do an actual act of returning the coin to the owner.
 - **Q: Rava** asked, a Braisa says, one may not redeem maaser on coins that were in a wallet that fell into the sea. We see they are considered to be entirely lost (even though the wallet can be retrieved by divers)!? **A: Rabbah** said, the case of maaser is different, because the pasuk says "v'tzarta hakesef b'yadcha", and in this case the coin is not in his hand.
- **Rabbah** said, if someone erases the images on another's coin (and it is now worth less than before), he is patur. The reason is, that he has done no real physical damage to the metal of the coin. Now, this is only if he hammered the image down. However, if he filed it off, he would be chayuv, because he has removed metal from the coin.
 - **Q: Rava** asked, a Braisa says that blinding the eye of a slave, or deafening his ear, sets him free. Now, there is no physical damage done to the eye or ear, and yet we see it is considered to be actual damage, and therefore hammering the image of the coin should be considered actual damage as well!? **A: Rabbah** follows his logic elsewhere, where he says that loss of hearing is the result of physical damage and wounding of the internal ear. Therefore, in that case actual damage has taken place.
- **Rabbah** said, if a person nicks the ear of another's animal he is patur (even though the animal now becomes passul to be used as a korbon). The reason is, the animal is not worth any less than it was before, and most animals are not brought on the Mizbe'ach anyway.
 - **Q: Rava** asked, a Braisa says that if someone did work with the parah adumah water, of with the parah adumah itself, he is patur in Beis Din (even though he made the water or the animal passul to be used for the process), but chayuv by the Heavenly Court. It seems that he is patur at Beis Din only because his action (his work) is not noticeable. However, if it was he would be chayuv. In the case of the nicking of the ear, since his action is noticeable, he should be chayuv!? **A:** The Braisa agrees that he would be patur in this case as well. The reason it gives a case of where the action is not noticeable is to teach that even in such a case, the person is still chayuv by the Heavenly Court.
- **Rabbah** said, if a person burned the loan document of another (who was the creditor in the document), he is patur. The reason is, because he can say, "I just burned a piece of paper".
 - **Q: Rami bar Chama** asked, if there are witnesses to what was written in the document, let them write another one? If there are no witnesses, we couldn't make the burner chayuv in any case!? **A: Rava** said, the case is where the burner says he believes the person with regard to what he says was written in the document.
 - **R' Dimi bar Chanina** said, this is actually a machlokes between **R' Shimon and the Rabanan**. According to **R' Shimon**, who says that something that can cause a benefit of money is considered as money itself, this person would be chayuv for burning the document. According to the **Rabanan** who say it is not, he would be patur.

- **Q: R' Huna the son of R' Yehoshua** asked, **R' Shimon** only holds that way when the item in question has intrinsic value itself. However, in this case where it does not, he would presumably agree that he would not be chayuv!?
 - **Ameimar** said, according to the view that we pasken laws of “garmi” (causative damages), the burner would be chayuv. According to the view that he would not, he would only be chayuv to pay for the value of the piece of paper.
 - In an actual case, **Rafram** pressured **R' Ashi** to pay for the full amount written in the loan document.

CHAMETZ V'AVAR ALAV HAPESACH OMER LO HAREI SHELICHA LIFANECHA

- **Q:** Who is the shitah that holds that even if something is assur b'hana'ah, the ganav can give the item to the owner and say “here is your item” and be patur? **A: R' Chisda** said, it is the shitah of **R' Yaakov** from a Braisa. The Braisa says, if an ox killed a person, if the owner then sold it or shechted it or made it hekdesch before the verdict of its death sentence was reached, the sale is valid, the meat is mutar, and the hekdesch is valid. If at that time the shomer returned it to its owner, it is considered to be returned. Once the verdict was reached, and he sold it, etc., the sale would not be valid, the meat would not be mutar, the hekdesch would not be hekdesch, and the return by the shomer would not be considered to be a valid return. **R' Yaakov** says, even after the verdict was reached, the return by the shomer would be considered a valid return. Presumably the machlokes is that **R' Yaakov** holds that even by something assur b'hana'ah we say “here is your item”, and the **Rabanan** says that we do not say that.
 - **Rabbah** said to **R' Chisda** this is no proof. It may be all agree that even by something assur b'hana'ah we say “here is your item”. The machlokes here is whether we can have the Din Torah in the absence of the ox. The **Rabanan** say that the ox must be present, and the owner can therefore tell the shomer “if you would have given the ox to me I would have hid it, but because you now brought it to Beis Din, you have caused me the loss of the ox”. **R' Yaakov** says the ox need not be present, and the shomer has therefore caused no loss.
 - **R' Chisda** met **Rabbah bar Shmuel**, who taught him a Braisa that says, the pasuk teaches that if one stole chametz and then Pesach came, or he stole an ox and it killed but was not yet sentenced to death, the gazlan can give the item back to the owner and be patur. Now, this must follow the **Rabanan**, because the Braisa seems to say that after the verdict he would not be able to simply return the ox, and we see that the **Rabanan** hold that even by something assur b'hana'ah we say “here is your item” (which refutes **R' Chisda's** explanation). **R' Chisda** asked him not to repeat this Braisa to the talmidim.
 - **Q:** The Braisa also stated that if he stole produce and it spoiled he can simply return the produce to the owner and be patur. Our Mishna said that in that case he would have to pay the value as it was at the time of the stealing!? **A: R' Pappa** said, the Mishna is discussing where they were entirely rotten. The Braisa is discussing where they were partially rotten.

MISHNA

- If a person gave something to a craftsman to fix and they ruined it, they must pay. If he gave a “shidah”, “teivah”, or “migdal” box to a carpenter to fix and he ruined it, he must pay. If a builder was hired to knock down a wall and broke or damaged the stones, he is chayuv to pay. If he was demolishing from one side and it fell from the other side, he is patur. However, if it fell because of the blow to the wall, he is chayuv.

GEMARA

- **R' Assi** said, when the Mishna says he is chayuv it is only talking about the case where the person gave a finished keili to the craftsman to repair, and he broke it. However, if he gave pieces of wood, which the craftsman made into a keili, and then broke it, he would be patur, because a craftsman is koneh the improvements that he makes (and would only have to pay for the value of the wood).
 - **Q:** The Mishna in the first case said, if a person gave something to a craftsman to fix and they ruined it, they must pay. Presumably this is referring to where he gave him wood to make into a keili, and still it says that he is chayuv!? **A:** The case is that he gave a completed “shidah”, “teivah”, or “migdal” box to fix.

- **Q:** That is the next case of the Mishna, which would suggest that the earlier case is where he gave him pieces of wood!? **A:** The second case is explaining that the first case is where he gave him a completed “shidah”, “teivah”, or “migdal” box to fix. In fact, that must be the understanding, because if not, once the Mishna says that he is chayuv even when he was given wood to make into a keili, why would the Mishna then need to say that if he was given a “shidah”, “teivah”, or “migdal” box to fix he is chayuv? That would be obvious!? It must be that the second case is an explanation of the first case.
 - That is no proof. It may be that without the second case we would think the first case is talking about where he gave him a completed “shidah”, “teivah”, or “migdal” box to fix. That is why we need to clearly give that case so that we then know that the first case is talking about where he gave him wood to make into a keili, and still he is chayuv.