



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

Bava Kamma Daf Tzaddik Tes

- The Gemara had previously brought the statement of **R' Assi**, that 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:** Maybe we can bring a proof from a Mishna. The Mishna says, if one gives wool to be dyed, and the vat of dye burned it, the dyer must pay for the value of the wool. This suggests that he does not need to pay for the improvement to the wool. Presumably the case is that the dye was fully applied and after that the wool burned, and although there was improvement to the wool, the dyer does not have to pay for the improvement, which proves that a craftsman is koneh the improvement he makes! **A: Shmuel** said, the case is where the wool burned before it was dyed, so there was no improvement that took place.
 - **Q:** Does that mean **Shmuel** would hold if it did get dyed first he would have to pay for the improvement? If so, that means **Shmuel** does not hold of **R' Assi**? **A: Shmuel** is discussing a case where the owner of the wool provided the dye as well. Therefore, there is no improvement being provided by the dyer (he is simply earning a wage for his work) and that is why he is not koneh any improvement.
 - **Q:** If that is the case, the Mishna should say that the dyer must pay the value of the wool and the dye!? **A: Shmuel** really agrees with **R' Assi**. He didn't mean that the Mishna *must* be explained this way, he meant that the Mishna *can* be explained this way, and therefore it is not a proof.
 - **Q:** Maybe we can bring a proof from a Braisa. The Braisa says, if someone gives a garment to a craftsman to make, and when it is completed he picks up the garment and does not pay the craftsman before sundown, he has transgressed the lav of "lo salin" (a worker must be paid for his work on the day the work is performed). Now, if the craftsman is considered to be koneh the improvement, he is not being paid as a worker, rather he is selling the improvement, and his money would therefore not be subject to the lav of "lo salin"! **A: R' Mari the son of R' Kahana** said, the case in the Braisa is where the craftsman is doing a service of raising the hairs on the garment, which provides no improvement, and as such is a worker rather than a person who is providing improvement.
 - **Q:** Raising the hairs softens the garment, and that softening is considered to be an improvement!? **A:** The case is that the craftsman was hired to stamp down on the cloth, where there is typically a set price for every series of stamping. That is why he is considered to be earning a wage.
 - The Braisa as it was understood originally, said that the craftsman was paid for the improvement, not a wage, and yet his fee is subject to "lo salin", would provide support for **R' Sheishes**, who says such a fee is subject to the lav of "lo salin".
 - **Q:** Should we say that **R' Sheishes** argues on **R' Assi**? **A: R' Shmuel bar Acha** said, **R' Sheishes** was referring to a fee for a service like a messenger service, where the service adds no value to the item. However, he would agree that if value was added, the craftsman would be koneh that improvement and the fee would not be considered as a wage.

- **Q:** Maybe we can say that the halacha of **R' Assi** is actually subject to a machlokes among Tanna'im. A Braisa says, if a woman gives gold to a goldsmith and tells him to make jewelry out of it, and tells him "make the jewelry and I will become mekudeshes to you", **R' Meir** says as soon as he makes the jewelry, she becomes mekudeshes. The **Chachomim** say that she does not become mekudeshes until money reaches her hand. Now, what do the **Chachomim** mean? If they mean the gold that she gave him, and they mean to say that when he returns it to her she is mekudeshes, that would mean that **R' Meir** holds she is mekudeshes even if he doesn't give it back to her? That can't be right, because with what would she be mekudeshes!? Rather, it clearly refers to other money. The Gemara assumes that all agree that a worker earns his wages as every bit is accomplished, and all also agree that being mekadesh a woman with a loan is not effective. The machlokes is whether a craftsman is koneh the value added to the keili. **R' Meir** says he is, and it is this value that he uses for kiddushin. The **Rabanan** say that he is not, and therefore the only thing he gives her is a loan (which she owes him for his wages)! **A:** It may be that all agree that a craftsman is not koneh the improvements he makes. The machlokes here is that the **Rabanan** hold that the goldsmith is owed the money from when he begins to work on the project. Therefore it is a loan and can't be used for kiddushin. **R' Meir** holds that he does not earn his money until he completes the project and returns it to her. Therefore, when he gives it to her and tells her not to pay for it, it is not yet a loan and therefore can be used for kiddushin. **A2:** It may be that all agree that wages are earned at every step along the way. The machlokes is whether one may be mekadesh a woman with a loan – **R' Meir** says he can and the **Rabanan** say that he cannot. **A3: Rava** said, it may be that all agree that he is not koneh the portion of the keili, and that his wages are earned at each step along the way, and that a woman cannot be mekudeshes with a loan. The case is that the goldsmith added a jewel of his own onto the gold. The machlokes is whether when a woman is given a loan and an additional prutah she focuses on that additional prutah or the entire thing. **R' Meir** says she focuses on the prutah, and the **Rabanan** say she focuses on the entire thing. This point is actually a point of machlokes between other Tanna'im in another Braisa.
- **Shmuel** said, if an expert shochet did a passul shechita he must pay for the damage, because he is a mazik and he is negligent. It is as if he was told to shecht in the proper place and went and shechted in another place.
 - **Q:** Why did he have to say "he is a mazik" and "he is negligent"? **A:** If we would just say he was a mazik we would think he must pay only if he was hired to shecht, but if he did it for free he should be patur. Therefore he also said that he was negligent, to teach that he must pay even if he shechted for free.
 - **Q: R' Chama bar Gurya** asked **Shmuel**, a Braisa says that an expert who made a passul shechita is patur if he was doing the shechita for free!? **A: Shmuel** said, I was talking according to **R' Meir**, who uses this logic (that a person would be considered negligent for not being careful even for something unusual that takes place), and the Braisa you are asking from follows the **Rabanan!**
 - **Q:** Where do we see that **R' Meir** holds this way? It can't be in the Mishna where he says the owner of a tam or a muad is chayuv if the animal damages, even if the animal was properly locked up or tied to a rein, because that is based on a pasuk, not logic!? It can't be in the Mishna where he says that a dyer is chayuv if he colors the wool with the wrong dye, because that may be talking about where he did so intentionally!? **A:** It is in a Braisa, where he says that if someone trips and a pitcher that he is holding breaks, or his camel then trips over him, and another person is then damaged by that pitcher or that camel, **R' Meir** says he is chayuv.
 - **Rabbah bar bar Chana in the name of R' Yochanan** said, if an expert shochet made a passul shechita he is chayuv to pay for the damage, even if he is an utmost expert.
 - **Q:** How could **R' Yochanan** have said that? We find that **Rabbah bar bar Chana** said that when a shochet made a passul shechita **R' Yochanan** told him to bring proof that he was an expert and he would then hold him to be patur!? **A:** In this incident he was shechting for free, whereas in the statement he was referring to

a shochet who was getting paid. We see that **R' Zeira** makes this distinction as well.

- **Q:** A Braisa says that if a shochet makes a passul shechita he is chayuv because he is “like” a paid worker. This suggests that although he is truly not getting paid he would still be chayuv!? **A:** Change the Braisa to read that he is chayuv *because he is paid*.
- It once happened that a shochet shechted a questionable shechita, and **Rav** said it was passul (following the view of the **Rabanan**), but said that the shochet does not have to pay (following the view of **R' Yose bar R' Yehuda** that that shechita was valid). **R' Kahana and R' Assi** met the owner of the animal and told him “**Rav** did two things to you”.
 - **Q:** What is meant when they said **Rav** did 2 things? It can't be that they were telling him that they felt that **Rav** wronged him by saying it was not valid and by saying that the shochet does not have to pay, because one may not tell a person that they feel they were wronged by a dayan!? **A:** Rather, it must be that they told him, **Rav** did 2 *good* things for you – he did not allow you to eat meat that was possibly not mutar, and he didn't let you take money from the shochet, thereby preventing you from possible taking money that does not belong to you.
- We have learned, if a person shows a coin to a moneychanger, and was advised that the coins were good coins, and it turns out that they were bad coins, one Braisa says if he was an expert he would be patur and if he was not he would be chayuv, and another Braisa says that in either case he would be chayuv. **R' Pappa** explained that the Braisa that said that the expert is patur is referring to people who are the absolute experts in their field.
 - **Q:** If they were such experts, how did they make a mistake? **A:** The case was that a brand new coin was minted and the old was disqualified immediately before they were presented with the question, and even they didn't yet have the time to study this.
 - A woman once brought a dinar to **R' Chiya**, who advised her that it was good currency. She later came back to him and told him that no one would accept it, because it is not good currency. **R' Chiya** told **Rav** to change the coin for this woman to a good coin (from **R' Chiya's** own coins).
 - **Q:** **R' Chiya** was an utmost expert, so why did he have to pay for the bad advice? **A:** In fact, he didn't have to pay. He did so to act even more than was required of him by law.