



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

Bava Metzia Daf Tzaddik Vuv

- **Q: Rami bar Chama** asked, if someone borrowed an animal to be mezaneh with it, is he treated like a regular borrower and chayuv even for oneis, or not? Do we say that this is not a normal case of borrowing and he therefore is not treated like a normal borrower, or do we say that since he is getting hana'ah from the animal it is considered to be a case of borrowing? **Q2:** What if he borrowed an animal so that he appears as a wealthy person? Do we say that he borrowed something of value, and therefore he is treated as any other borrower, or do we say that he does not get any major level of hana'ah from the animal and he is therefore not considered to be a borrower? **Q3:** What if he borrowed an animal to do work less than the value of a perutah? Do we say that he borrowed something of value, and therefore he is treated as any other borrower, or do we say that since the benefit was less than a perutah it is considered as if nothing at all was borrowed? **Q4:** What if he borrowed two cows to do one perutah value of work? Do we look at the borrower and the lender and there was a loan of a full perutah, or do we look at the cows, and each cow is doing less than a perutah, and it is therefore as if nothing at all was borrowed?
- **Q:** If a person borrowed an animal from partners, and borrowed one of the partners along with the animal, what is the halacha? In order to be patur do we need *all* the owners to be working for the shomer or do we say that he at least becomes patur from the working owner's share of the animal? **Q2:** What if partners borrowed an animal and the owner was working for one of the two partners? Do we say that to be patur the owner must be working for all who borrowed the animal, or do we say that at least the partner for whom the owner was working becomes patur on his share? **Q3:** What if a person borrowed an animal from a woman's nichsei melug and borrowed her husband along with the animal, or if a woman borrowed a cow and its owner was working for her husband? Do we say that the husband's ownership of the produce is considered to be ownership of the property or not?
 - **Q: Ravina** asked **R' Ashi**, what if a lender tells a shaliach "go and be borrowed in my place along with my cow"? Do we say that the actual owner must be working for the borrower, and therefore this borrower will be chayuv, or do we say that a shaliach is treated like the principle himself and therefore it is as if the owner is working for the borrower? **A: R' Acha the son of R' Avya** said to **R' Ashi**, the case of the husband with the nichsei melog would be subject to a machlokes between **R' Yochanan and Reish Lakish**, and the case of the shaliach is subject to a machlokes between **R' Yonason and R' Yoshiya**.
 - The machlokes between **R' Yochanan and Reish Lakish** is as follows. We have learned, if one sells the rights to the produce of his field (but not the actual field) to another, **R' Yochanan** says the purchaser brings bikkurim and even reads the parsha, because the rights to produce is equal to having the rights to the actual field. **Reish Lakish** says that he would bring bikkurim but would not read the parsha, because rights to the produce are not equal to rights in the actual field.
 - The machlokes between **R' Yonason and R' Yoshiya** is as follows. A Braisa says, if a person sets up an administrator over his affairs for when he travels, and instructs the administrator to be meifer the nedarim that his wife makes while he is away, **R' Yoshiya** says that he cannot be meifer because the pasuk says "her husband shall confirm and her husband shall be meifer" – teaching that no one can take the place of the husband. **R' Yonason** said, we find all over the Torah that a person can set a shaliach to take his place, and this should be no different.

- **Q: R' Illish** asked **Rava**, what would be the halacha if someone tells his non-Jewish slave, “go and be borrowed in my place along with my cow”? Even according to the view that a shaliach is like the person himself, maybe that is only true when the shaliach is someone who is chayuv in mitzvos. On the other hand, even according to the view that a shaliach is not like the person himself for these purposes, maybe a slave would be, because “the hand of a slave is like the hand of his master”. **A: Rava** said, it is logical to say that “the hand of a slave is like the hand of his master”.
- **Q: Rami bar Chama** asked, is a husband with regard to his wife’s nichsei melug considered to be a borrower or a renter?
 - **Q: Rava** asked, what difference does it make? In either case the owner (the wife) is “working” for the husband and therefore whether he is a borrower or a renter he will be patur!? **A:** The case in which it would make a difference would be where he rented a cow from a woman and then married her. Is he considered to be a borrower or a renter? Do we say he is a borrower, and this new act of borrowing removes the act of renting, and this act of borrowing was done while the owner was working for him, and therefore he would be patur, or do we say that he remains a renter, which is an extension of the earlier renting, and he therefore would remain chayuv (because that renting was entered into without the owner working for the renter).
 - **Q:** The Gemara asks, the same way you say the later act of borrowing would remove the earlier act of renting, we can also say that the later act of renting while the owner is working for him can remove the earlier act of renting where the owner was not working for him!? **A:** Rather, **Rami bar Chama’s** question was in the following case. A single woman rented a cow and then got married. Now, according to the **Rabanan**, who say that one who borrows from a renter would be chayuv to pay the renter if the animal were to die, it is clear that the husband would not have to pay this to his wife, because she is “working” for him at the time that he would be said to have borrowed the animal. The question is according to **R' Yose**, who says that when one borrows from a renter and the animal dies, he must pay the owner of the animal. Do we say that the husband is considered to be a borrower and therefore would be chayuv to pay the owner for an oneis, or do we say he is considered to be a renter, in which case he would be patur from an oneis?
 - **A:** Based on this understanding of the question, **Rava** said, the husband is not considered to be a borrower or a renter. Rather, he is considered to be a purchaser, as was explained by **R' Yose the son of R' Chanina**.
- **Q: Rami bar Chama** asked, if a married woman inherits property which includes coins of hekdesch, in which case her husband gets automatic rights to the inherited property, and they do not realize that these coins are coins of hekdesch, who is considered to be oiver me'ilah (for the transfer of hekdesch to chullin)? **A: Rava** said, we can't say that the husband is oiver, because he only wants to be koneh things that are mutar, not things that are assur. We also can't say that the wife is oiver, because she doesn't want him to be koneh anything at all. We also can't say that it is Beis Din who is oiver (it is they who said the husband is treated like a purchaser of the wife's nichsei melug), because they only make this takanah for mutar things, not for assur things. Rather, we must say that the husband is oiver when he goes and uses the coins of hekdesch.
- **Q:** What if the animal became weak from the work of the borrower? Would he be chayuv for that? **A: R' Chilkiya the son of R' Avya** said to the one who asked the question, it would seem that if the animal actually died from the work you would hold the borrower to be chayuv. Why can't the borrower say, “I did not borrow the animal to sit in a pen!”? Rather, **Rava** said, it is clear that if the animal only became weaker, the borrower would be patur. Moreover, even if

the animal actually died from doing the work that it was borrowed to do, the borrower would also be patur, because he can say to the owner, "I did not borrow the animal to sit in a pen!"

- There was a person who borrowed an ax, which broke as it was being used for the intended use of the borrowing. **Rava** told the borrower, bring witnesses that you did not change from the intended use, and you will be patur.
 - **Q:** If he would not have witnesses, what would he have to pay? **A:** We can answer from the following story that took place. There was a person who borrowed an ax, which broke due to negligence. **Rav** told him that he must pay for a good ax. **R' Kahana and R' Assi** said to **Rav**, is that really the halacha? **Rav** remained quiet.
 - The Gemara asks like **R' Kahana and R' Assi**, that the borrower gives the broken pieces of the ax back to the owner and pays the difference in the value (from the way it was).
 - There was a person who borrowed a bucket, which broke as it was being used for the intended use of the borrowing. **R' Pappa** told him, bring witnesses that you did not change from the intended use, and you will be patur.