
BACKGROUND TO THE DAILY DAF

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daf@dafyomi.co.il, <http://www.dafyomi.co.il>

BAVA KAMA 98

[a - 36 lines; b - 50 lines]

- 1) [line 1] **תרעא** TAR'A - the [depreciation of] the market value [of produce due to overabundance]
- 2) [line 1] **הא קא שבח לענין נסכא!** V'HA KA SHAVACH L'INYAN NASCHA! - but it appreciated in value if he were to form it into an ingot; i.e., the new coinage is more valuable due to that which it contains more silver
- 3) [line 2] **כי הא** KI HA - [the context in which the ruling of Rav Chisda is true is] similar to
- 4a) [line 3] **עבדי עובדא בזוי דאגרדמיס טייעא** AVDEI UVDA B'ZUZEI D'AGARDEMIS TAIYA - they dealt with a [similar such] situation by [examining] the coins of Agardemis the Arab merchant [who had examples of both the old and new coinage]
- b) [line 4] **עד י' בתמניא** AD ASARAH BI'TEMANYA - [and they determined that a) if the old coins required as *few* as ten per eight of the new ones, one may not repay with the old currency [and even ten precisely would be forbidden because of the prohibition against charging interest] (**RASHI**); b) if the old coins required as *many* as ten per eight of the new ones, one may not repay with the old currency [but ten precisely would be permitted] (**RABEINU CHANANEL** cited by **TOSFOS DH Ad**)
- 5) [line 5] **ים הגדול** YAM HA'GADOL - the Mediterranean Sea; it is called the "Great Sea" due to its proximity to Eretz Yisrael (**MISHNAH BERURAH** 228:2)
- 6a) [line 6] **הא מנח קמך** HA MANACH KAMACH - it is lying in front of you
- b) [line 7] **אי בעית, שקליה!** IY BA'IS, SHAKLEI! - if you wish, take it!
- 7) [line 7] **צלולין** MAYIM TZELULIN - water clear [enough that a) one can see the coin through it (**RASHI**); b) a diver can find the coin (**TOSFOS DH Achurin**)]
- 8) [line 7] **חזי** CHAZI - see
- 9) [line 8] **עכורין** MAYIM ACHURIN - water murky [enough that a) one cannot see the coin through it] (**RASHI**); b) a diver cannot find the coin (**TOSFOS DH**)]
- 10) [line 8] **אדייה אדויי** ADYEI ADUYEI - he caused [the coin] to be thrown [into the sea by a) hitting the hand of its owner, who was holding it (**RASHI**); b) kicking it with his foot (**RABEINU YEHONASON MI'LUNIL**, cited in the **SHITAH MEKUBETZES**)]
- 11) [line 10] **מחללין** MECHALELIN - redeem Ma'aser Sheni (see Background to 97:29)
- 12) [line 12] **קסטרא** KASTERA - a) the name of a far-away place, the path to which was seldom traveled and infested with bandits (**RASHI**); b) a place inhabited by bandits (**RA'AVAD**)
- 13) [line 12] **הר המלך** HAR HA'MELECH - The King's Mountain; a place inhabited by bandits (**RA'AVAD**; presumably **RASHI** would explain as he does Kastera)
- 14) [line 12] **כיסו** KISO - his wallet
- 15) [line 15] **"... וצרת הפסף בידך ..."** "... V'TZARTA HA'KESEF B'YADCHA ..." - "... and you should bind the money in your hand ..." (Devarim 14:25). This verse is written regarding Ma'aser Sheni. Our Gemara interprets this verse to mean that one may transfer the Kedushah of Ma'aser Sheni only onto a coin that has an image (a "Tzurah") engraved upon it.
- 16) [line 15] **השף מטבע של חבירו** HA'SHAF MATBE'A SHEL CHAVEIRO - one who rubs (O.F. *esfreier*) [out an image engraved upon] a coin belonging to another

- 17) [line 17] **מחייה בקורנסא וטרשיה** MACHYEI B'KURNESA V'TARSHEI - he struck it with a mallet (O.F. martel) and flattened it out
- 18) [line 18] **שייפא בשופינא** SHAIFA B'SHUFINA - if he filed it with a file (O.F. lime)
- 19) [line 19] **הכהו על עינו וסמאה** HIKAHU AL EINO V'SAM'AH - if one struck [his Nochri slave] upon his eye and blinded it
- 20) [line 19] **חרשו** CHIRSHO - deafened it
- 21) [line 20] **עבד יוצא בהן לחירות** EVED YOTZEI BAHEN L'CHEIRUS (ESRIM V'ARBA'AH ROSHEI EVARIM - One Must Free his Nochri Slave if he Causes him to Lose an Extremity
 (a) Should the master of an Eved Kena'ani (Nochri slave) blind an eye or knock out a (permanent) tooth of his Eved, then he must set the Eved free (Shemos 21:26-27). This applies only if the master intended to wound the Eved, although it is not necessary for him to have intended to strike him in the eye or tooth (Kidushin 24b).
 (b) This Halachah is not limited to the eye and tooth described in the verse; it applies equally to any of a Nochri slave's other twenty-four Roshei Evarim (extremities). These are comprised of his ten fingers, ten toes, nose, two ears, and male organ (**RASHI** to Gitin 42b DH b'Chulan). A female Shifchah has twenty five, as her two breasts are substituted for the male organ. Other limbs to which this Halachah may apply are the subject of a discussion in the Gemara (Kidushin 24a).
 (c) Rava quotes a Beraisa which rules that an Eved is set free if his master deafened him, even though the Eved presumably appears whole. From this it is apparent that one is responsible for a direct action that leads to a loss in the value of that which belongs to another. Therefore, it seems to follow that one ought to be responsible for flattening the image on another's coin, since this action has devalued the coin.
- 22) [line 20] **כנגד עינו ואינו רואה** KENEGED EINO V'EINO RO'EH - [if his master hit the wall] next to his eye and now he cannot see [since he injured himself as a result of becoming startled by the sound]
- 23) [line 23] **נהרג** NEHERAG (HA'CHOVEL B'AV V'EM - One Who Injures his Parent)
 (a) One who strikes his father or mother such that blood flows from the wound after having received a proper warning from valid witnesses receives the death penalty of Chenek (choking; Shemos 21:15).
 (b) If one struck his parent but drew no blood, he must make restitution in the same manner that he would have had to had he struck any Jew (Chovel b'Chaveiro; see Background to 23:7).
- 24) [line 23] **חבורה** CHABURAH - a bleeding wound
- 25) [line 24] **טפתא דדמא נפלת ליה (באוניה) [באודניה]** TIPSFA D'DAMA NAFLAS LEI (B'UNEI) [B'UDNEI] - a drop of blood fell into his ear
- 26) [line 25] **הצורם אוזן פרתו של חבירו** HA'TZOREM OZEN PARASO SHEL CHAVEIRO - one who notches (O.F. encrener; more generally, renders imperfect) the ear of a cow belonging to another [thus rendering it invalid as a Korban since it now has a Mum (blemish; see Background to Sotah 45:68)]
- 27) [line 26] **פרה כדקיימא קיימא** PARAH KED'KAIMA KAIMA - the cow remains as it was
- 28) [line 28] **מי חטאת ... פרת חטאת** MEI CHATAS ... PARAS CHATAS - The Purification of One who Became Tamei from a Corpse
 (a) A Parah Adumah (also referred to as a Paras Chatas) is a red cow; if there are as many as two hairs of any other color it is not a Parah Adumah (see Maseches Parah 2:5). Only a cow that has never had a yoke placed upon it nor performed any other work is fit to be used as a Parah Adumah. A place is prepared for its slaughter on Har ha'Zeisim (also known as Har ha'Mishchah; "Mishchah" means oil), opposite the gate to the Azarah (the courtyard of the Beis ha'Mikdash). After it is slaughtered, its blood is sprinkled in the direction of the Beis ha'Mikdash seven times. Its carcass is then burned. A cedar branch, some Ezov (hyssop) branches, and a length of combed wool dyed crimson are thrown into the carcass of the cow as it is burning (Bamidbar 19:1-22).
 (b) Should a person or utensil become Tamei by touching a Mes or being in the same room as a Mes (or a part of a Mes which is Metamei b'Ohel), he/it must wait seven days before he/it is able to immerse in a Mikvah in order to become Tahor. On the third and seventh days, Mei Chatas is sprinkled on the person or utensil. Mei Chatas is a mixture of ashes of a Parah Adumah and spring water. A person who is Tahor dips three bound Ezov branches into the mixture, using them to sprinkle Mei Chatas upon the person or utensil which is Tamei. After this process is complete, the person or utensil is immersed in a Mikvah. Once night falls, the purification process is complete (Bamidbar 19:17-19).

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(c) The Torah states that Mei Chatas should be guarded (Bamidbar 19:9). Chazal interpret this to mean that no work, such as placing an item into the mixture and measuring how high it rises, may be performed with Mei Chatas. Furthermore, one may not actively divert his intention from using the mixture as Mei Chatas at any time.

29a) [line 29] **דיני אדם** DINEI ADAM - laws of man; i.e., those enforced by Beis Din

b) [line 29] **דיני שמים** DINEI SHAMAYIM - laws of Heaven; i.e., a) those enforced through Heavenly means such as trials, tribulations, and other "Acts of G-d" that effect a person (**RASHI** to Gitin 56a); b) he will be held accountable in Heaven until he makes restitution (**RASHI** to Bava Metzia 91a)

30) [line 35] **שטרו** SHETARO - his document [which proves that he is owed money by another]

31) [line 35] **פטור** PATUR - he is exempt [from paying for the value of the debt, although he must pay the value of the paper]

32) [last line] **ניירא קלאי מינד** NEYARA KALA'I MINACH - I [merely] burned your paper

98b-----98b

33) [line 1] **סהדי** SAHADEI - witnesses

34) [line 2] **ליכתבו ליה שטרא (מעליא) [אחרינא]** LICHTEVU LEI SHETARA (ME'ALYA) [ACHRINA] - let them [simply] transcribe a (proper) [different] document

35) [line 3] **אנן מנא ידעינן?** ANAN MINA YAD'INAN? - how are we to know [the amount of the debt]? [It is obvious that he is Patur!]

36) [line 3] **תהא במאמינו** TEHEI B'MA'AMINO - let [the case be one] in which a) [he who burned the Shtar] trusts [the one who is owed money, and yet he is still Patur] (our Girsa in **RASHI**); b) [the one who owes money] trusts [he who burned the Shtar, and yet he is still Patur] (**RASHI** in the **RIF**, **ROSH**, **YAM SHEL SHLOMO** and some manuscripts of the Gemara)

37) [line 5] **דבר הגורם לממון כממון דמי... לאו כממון דמי** DAVAR HA'GOREM L'MAMON K'MAMON DAMI ... LAV K'MAMON DAMI - Whether or Not that which has No Intrinsic Value but whose Presence Protects Against a Loss has the Halachic Status of Money

(a) A Davar ha'Gorem l'Mamon is an item that is worth less than a Shaveh Perutah (the value of the smallest copper coin then in circulation; see Background to Kesuvos 66:16), and therefore cannot be considered Mamon (money) in its own right. It is, however, Gorem l'Mamon — lit., it causes money. This means that he who has it in his possession may use it in a way that will indirectly save him from an outlay of money.

(b) One classic example of a Davar ha'Gorem l'Mamon involves one who stole Chametz before Pesach which then remained in his possession over Pesach, at which point no one may receive any benefit from it (see Background to 96:61). Another example involves an ox which killed a person, in which case it must be stoned (see below, entry #54), while in the possession of one who was guarding it on behalf of its owner. In these cases the thief or Shomer may return the now worthless item with the claim of "Harei Shelcha l'Fanecha" — "Here is your item". Even though it is forbidden to derive benefit from them and as such they are worthless, they belong to their owner in their current state. If, however, the Chametz or the ox is no longer extant, then they owe the full value that the item had *before* it became worthless. Therefore, the presence of the item prevents a loss to the thief or Shomer.

(c) The Rabanan rule that if one damages or ruins a Davar ha'Gorem l'Mamon, he is exempt from paying since it is valueless. Rebbi Shimon maintains that since the damage led to a loss of money, he who caused the damage must pay for the loss that was caused (Mishnah, 74b).

(d) Rav Dimi bar Chanina suggests that whether or not one ought to be responsible for burning the document of another is dependent upon the Machlokes of the Rabanan and Rebbi Shimon.

38) [line 8] **אימר דשמעת ליה ...** EIMAR D'SHAMAS LEI ... - I might say that I heard him ...; i.e., you have overstepped the bounds of logic in your presumption

39) [line 8] **דבר שעיקרו ממון** DAVAR SHE'IKARO MAMON - that which has [or once had] intrinsic value

40) [line 10] **במועד** B'MO'ED (BI'UR CHAMETZ - The Obligation to Destroy Chametz)

(a) One must destroy all Chametz in his possession, and henceforth refrain from eating Chametz, even before Pesach begins (derived from Shemos 12:15; Pesachim 5a). Although this prohibition begins at midday on Erev

Pesach, the Chachamim enacted that one begin even earlier so that he not become confused as to when midday is and transgress the Torah prohibition. When discussing time of day, the Tana'im refer to "Sha'os Zemaniyos" — "equal hours". A Sha'ah Zemanis is one-twelfth of the time between sunrise and sunset. Rabbi Meir rules that one may eat Chametz until the end of the fifth hour (i.e., until eleven o'clock on a day that the sun rises and sets at six o'clock), and that he must then destroy his Chametz at the beginning of the sixth hour. Rabbi Yehudah maintains that one may eat Chametz until the end of the fourth hour; during the fifth hour he may not eat Chametz, but neither must he destroy it; and that he must then destroy his Chametz at the beginning of the sixth hour (Mishnah, Pesachim 11b).

(b) Tana'im disagree as to the method one may use to destroy his Chametz. Rabbi Yehudah is of the opinion that one must burn his Chametz. The Chachamim maintain that one may rid himself of his Chametz in any fashion that he chooses, which includes such options as breaking it up and throwing it to the wind or into the sea (Mishnah, Pesachim 21a).

(c) In our Gemara, Rabah discusses a case in which the thief destroyed the Chametz that he stole in its proper time ("b'Mo'ed"); i.e., before the sixth hour on Erev Pesach.

41) [line 10] **לבערו** L'VA'ARO - to destroy it

42) [line 13] **מאן דדאין** MAN D'DAIN - he who judges (this refers to Rabbi Meir; see next entry)

43) [line 13] **דינא דגרמי** DINA D'GARMI

(a) Damage caused indirectly is termed a "Gerama b'Nizakin". According to all opinions, one who caused such damage is exempt from payment. Although he is held responsible in Heaven for his actions, the earthly Beis Din cannot force him to make restitution. An example of a Gerama is one who ties up another such that he dies of hunger or exposure.

(b) "Garmi" refers to damage that, while still indirect, is more direct than Gerama (Rishonim disagree as to the precise definition of "more direct"). Rabbi Meir maintains that one is responsible in a case of Garmi. An example of Garmi involves one who owns a vineyard that grows next to the wheat field of another. Since wheat planted within four Amos of grapes becomes Kil'ayim (see Background to Kidushin 56:18) unless there is a fence between them, the owner of the vineyard is responsible to see to the upkeep of the fence. Should the fence fall and he does not rebuild it before the wheat becomes prohibited, Rabbi Meir rules that Beis Din can hold him responsible for the value of the wheat.

44) [line 13] **מגבי ביה** MAGVI BEI - would collect from [he who burned the document]

45) [line 14] **הוה עובדא** HAVAH UVDA - there was such an occurrence [involving Rav Ashi, who burned the document of another when he was a young child]

46) [line 14] **כפייה רפרם לרב אשי** KAFYEI RAFRAM L'RAV ASHI - Rafram forced Rav Ashi (see Insights)

47) [line 15] **כי כשורא לצלמא** KI KESHURA L'TZALMA - [high-quality possessions] akin to a wooden board selected for etching [which must be flat and smooth]

48) [line 17] **שור שהמית** SHOR SHE'HEMIS - an ox that killed [a person, which is then stoned; see Background to 96:64]

49) [line 17] **עד שלא נגמר דינו** AD SHE'LO NIGMAR DINO - before Beis Din has ruled upon its status

50) [line 17] **מכרו, מכור** MECHARO, MACHUR - if he sells it, it is sold [a] completely (opinion of Rabbi Yehudah on 13b and 44b, cited by Rashi here); b) such that the purchaser may plow with it until it is stoned (opinion of the Rabanan on 13b and 44b)]

51) [line 17] **הקדישו, מוקדש** HIKDISHO, MUKDASH - if he sanctifies it, it is sanctified [a] completely (opinion of Rabbi Yehudah on 13b and 44b, cited by Rashi here); b) such that it may not be stoned until he pays a pittance to Hekdesh so that people do not think that the status of that which is truly Hekdesh is able to change without redemption (opinion of the Rabanan on 13b and 44b)]

52) [line 18] **החזירו שומר לבעליו, מוחזר** HICHZIRO SHOMER L'VE'ALAV, MUCHZAR - if the guardian [in whose possession it killed] returned it to its owner, it is returned [such that the guardian is exempt from paying for it even after Beis Din stones it]

53) [line 23] **אם כן, נפלגו בחמץ בפסח** IM KEN, NIFLEGU B'CHAMETZ B'FESACH - for if it were so [that the Rabanan and Rabbi Yakov disagree over whether one may say "Harei Shelcha Lefanecha" in all cases of Isurei Hana'ah], they ought to have disagreed in a case of Chametz [that had been owned by a thief]

on Pesach (see Background to 96:61) [since such a disagreement could not have been interpreted in any other way]

54) [line 24] **גומרין דינו של שור שלא בפניו** GOMRIN DINO SHEL SHOR SHE'LO B'FANAV

(a) Some Tana'im (such as Rabbi Shimon; see 44b) derive from the verse that states "... the ox shall be stoned and its owner shall also be put to death" (Shemos 21:29) that an ox is stoned for killing a person only when a person would receive the death penalty under the same circumstances. Therefore, for example, an ox would not be stoned if it killed one other than who it intended to kill.

(b) One who has murdered another cannot be sentenced unless he is present in Beis Din (Tosefta Makos 2:2, derived from Bamidbar 35:12). The Rabanan and Rabbi Yakov disagree as to whether or not this stipulation applies to an ox that has killed. The Rabanan rule that it does, since an ox is stoned only under the same circumstances that a person would be. Rabbi Yakov maintains that the reason why one must be present for his sentencing is so that he can present his case; this does not apply to an ox (45a; see also **TOSFOS** to Sanhedrin 78a DH Shor).

55) [line 25] **אי אייתיתיה ניהליה), ההוה מעריקנא ליה לאגמא** IY AISISEI (NIHALEI) [NIHALI], HAVAH ME'ARIKNA LEI L'AGMA - had you brought it to me, I would have chased it into a marsh [where Beis Din could not find it, in which case they would be unable to collect from it since the payment of a Tam comes from the animal itself (mi'Gufo; see Background to 2:28)]

56) [line 26] **מסרתיה ביד מאן דלא מצינא לאישתעויי דינא בהדיה** MESARTEI B'YAD MAN D'LO MATZINA L'ISHTA'UYEI DINA BAHADEI - you have delivered [my ox] into the hand of one with whom I am unable to have a dialog (i.e., Beis Din, who will not agree to release the animal under any circumstances other than those prescribed by Halachah)

57) [line 29] **תנית מידי באיסורי הנאה?** TANISA MIDI B'ISUREI HANA'AH? - are you aware of a discussion of Tana'im regarding [the ruling in our Mishnah that one may say "Harei Shelcha Lefanecha" in a case of] that which one may not derive benefit from?

58) [line 29] **"... והשיב את-הגזלה אשר גזל ..."** "... V'HESHIV ES HA'GEZEILAH ASHER GAZAL ..." - "... and he shall return the stolen item which he stole ..." (Vayikra 5:23). The words "which he stole" appear to be extraneous.

59) [line 30] **יחזיר כעין שגזל** YACHZIR K'EIN SHE'GAZAL - (the Torah teaches that) [you may] return it [as long as it is] in the same state that it was when it was stolen

60) [line 31] **יין, (והחמיץ) [ונתנסך]/[והקרים]** YAYIN, (V'HICHMITZ) [V'NISNASECH]/[V'HIKRIM] (AVODAS KOCHAVIM - Idol Worship)

(a) The second of the Aseres ha'Dibros (Ten Commandments) is the prohibition against Avodah Zarah (idol worship) (Shemos 20:3-5). The smallest action that demonstrates one's belief in the ascendancy of Avodah Zarah is included in this prohibition. Avodah Zarah (along with Giluy Arayos - forbidden marital relations - and Shefichus Damim - murder) is one of the three cardinal sins that fall into the category of "Yehareg v'Al Ya'avur"; this means that if one is faced with either transgressing the Aveirah or death, he must give up his life. Not only Jews are obligated in this Mitzvah; it is one of the seven Mitzvos Bnei Noach (Noahide Laws all humanity is obligated; see Background to Avodah Zarah 64:20).

(b) One who worships Avodah Zarah b'Mezid (intentionally) receives Kares (see Background to Yevamos 3:27). One who received Hasra'ah (a proper warning) from valid witnesses is liable to receive Sekilah (stoning). One who worships Avodah Zarah b'Shogeg (unintentionally) must offer a Korban Chatas. One who fashions a graven image of a heavenly body, person, animal, etc. as an idol, even on behalf of a Nochri, receives Malkus (lashes).

(c) Worship of any given Avodah Zarah is defined as the accepted rite through which that idol is worshipped. In addition, there are four services that are Halachically considered universal to all idol worship. These are:

1. ZIBU'ACH - animal sacrifice
2. KITUR - the burning of incense
3. NISUCH - the pouring of a wine libation
4. HISHTACHAVA'AH - prostration (Sanhedrin 60b).

(d) The GILYON on the side of the Gemara, quoting the TORAS CHAYIM, changes the Girsas of the Tosefta to read "v'Nisnasech". According to this reading, the Tosefta refers to one who prohibited the wine of another by causing it to acquire the status of Yayin Nesech (wine poured as a libation to an idol). The HAGAHOS HA'GRA changes the Girsas to "v'Hikrim", which means that the wine crusted over. The reason for these changes is that the Girsas of "v'Hichmitz" -- it turned to vinegar -- contradicts our Mishnah.

- 61) [line 33] **מאן שמעת ליה ...?** MAN SHAM'ES LEI ...? - according to whom have we heard ...?
- 62) [line 34] **אי משכחת להו, לא תימא להו ולא מידי** IY MISHKACHAS LEHU, LO TEIMA LEHU V'LO MIDI - if you find [those members of the Yeshivah who used this very argument against me], say nothing to them [of your proof, lest they rejoice at that which I am proven wrong]
- 63) [line 36] **כאן שהרקיבו כולן** KAN SHE'HIRKIVU KULAN - here [in our Mishnah where the Halachah is that the thief must make restitution according to their previous value, the case is one] in which they all rotted
- 64) [line 37] **אומנין** UMNIN - craftsmen
- 65) [line 38] **חרש** CHARASH - a carpenter
- 66a) [line 38] **שידה** SHIDAH - a chest built into a carriage upon which women sit
- b) [line 38] **תיבה** TEIVAH - a chest
- c) [line 38] **מגדל** MIGDAL - (O.F. mestier) a cupboard (**RASHI** to Eruvin 30b)
- 67) [line 38] **בנאי** BANAI - a builder
- 68) [line 39] **לסתור** LI'STOR - to dismantle
- 69) [line 39] **הזיק(ו)** SHE'HIZIK(AN) - he caused damage [through negligent handling of the stones of the wall]
- 70) [line 40] **מחמת המכה** MACHMAS HA'MAKEH - as a result of the blow [visited upon the other end of the wall to dismantle it]
- 71) [line 41] **לנעץ בהן מסמר** L'NA'ETZ BAHEN MASMER - to drive a nail into them (i.e., to fix them)
- 72) [line 43] **אומן קונה בשבח כלי** UMAN KONEH B'SHEVACH KELI - A Craftsman Acquires an Item through Improving It
- (a) There are two ways in which one is able to commission another to work for him. One is to hire him for a set rate, such as by the hour, day, etc. The other is to contract him to perform a certain job, and agree upon a set price for the entire body of work. Amora'im discuss (99a) whether or not a craftsman who has been contracted to improve an item acquires that item through the change (Shinuy) that he effects in it (similar to the way in which a thief acquires a stolen item such that he is responsible for it; see Background to Bava Kama 65:16). Those who rule that a craftsman acquires an item through effecting a change in it maintain that "Uman Koneh b'Shvach Kli". Those who rule that "Ein Uman Koneh b'Shvach Kli" argue that a craftsman is no different from a hired worker. Whether the obligation to pay the worker accrues gradually or is incurred at the end of the job (see Background to Kidushin 48:29), the craftsman does not acquire the item.
- (b) There are a number of Halachic implications if a craftsman does acquire the item that he improves:
1. Since the item belongs to the craftsman from the time that he first improves it, he need not pay for its current value should it become ruined or lost. Rather, he need only pay for its value at the time that he received it from its original owner. (This follows the understanding of **REBBI YEHONASON** cited in the **SHITAH MEKUBETZES**. The **RASHBA**, however, maintains that he only acquires the item to the point that he will not be liable to pay for it if he mistakenly causes it to lose value; see **CHAZON ISH** 22:8.)
 2. There is a prohibition against hiring a worker and not paying him on the same day that he performs the job that he was hired to do ("Lo Salin"; Vayikra 19:13). Since the item belongs to the craftsman from the time that he first improves it and he sells it back to its original owner when the job is complete, its original owner does not transgress this prohibition if he does not pay the craftsman on that day. The only time that it is possible to transgress the prohibition of Lo Salin if one rules that Uman Koneh b'Shvach Kli is when one hires a worker at a set rate.
 3. Since the item belongs to the craftsman, he is able to betroth a woman with it. Even if this woman is his employer, since he is giving her something that does not now belong to her, she is Mekudeshes. If, however, he never acquired the object, and her obligation to pay him accrued gradually as he did the work, then she cannot be betrothed with the improved item. This is because a woman cannot be betrothed through the forgoing of a loan.
- 73) [line 44] **יהיב** YAHIV - he gave
- 74) [line 49] **אי משום הא, לא איריא** IY MISHUM HA, LO IRYA - if [your argument were] due to this [logic only], it would not be a proof

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75) [line 49] **לגלויי רישא** L'GELUYEI REISHA - to reveal the [circumstances of the] first case of the Mishnah

76) [last line] **הנותן צמר לצבע** HA'NOSEN TZEMER LA'TZABA - one who gives wool to a dyer