



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

Bava Kamma Daf Samach Zayin

- **Q:** The Gemara had said that a change of name to an item makes it be considered a different item, and this change will make a ganav be koneh the item. The Gemara now asks, this is not so! When a block of wood is carved into a pipe, it is first called a block of wood and is then called a pipe. Yet, a Braisa says, if a piece of wood is hollowed into a pipe and then stuck into the ground, water that flows through it will make a mikvah passul, but if a piece of wood is first attached to the ground and then made into a pipe, water that flows through it will not make a mikvah passul as if the water flowed through a keili, because it is considered part of the ground. Now, if you hold that change of name is a legally significant occurrence, then it should make the mikvah passul even if it was first put in the ground, and then made into a pipe!? **A:** The ability of water that flowed through a keili to make a mikvah passul is only D'Rabanan, and the **Rabanan** were therefore meikel in this case and considered the pipe that is attached the ground as not being a keili (even though it underwent a name change).
 - **Q:** If it is true that they were meikel, why is the mikvah passul when it is first made into a pipe and then stuck into the ground? **A:** In that case it was a keili before being stuck into the ground, and was therefore passul to be used for the mikvah water. Sticking it into the ground will not remove that psul.
- **Q:** A Braisa says, if a ganav, gazlan, or chamsan (one who grabs an item from someone else, but pays for it) makes the item hekdesch, it becomes assur b'hana'ah, if they make it terumah, it is terumah, and if they make it maaser, it is maaser. Now, one cannot make something that is not his into hekdesch, terumah, or maaser. Therefore, the case must be where he did this after the owner had yi'ush, and this refutes **R' Yosef**, who said that yi'ush does not make the ganav to be koneh the item!? **A:** In that case there is also a change in name (it was first chullin and then became hekdesch, was first tevel and then became terumah or maaser), and that is why the ganav is koneh.
- **R' Chisda in the name of R' Yonason** said, we learn that a physical change of an item will make the ganav be koneh, from the pasuk. The pasuk says "v'heishiv es hagzeila *asher gazal*", which teaches that if it is in the form in which he stole it (*asher gazal*), he must return it. If not, he must pay for its value.
 - **Q:** Those words are needed to teach that if a man who is a shomer stole and swore falsely that he did not steal, and then died, his heirs must only pay for the principal and not for the additional fifth!? **A:** To teach that the pasuk could have said "v'heishiv es gezeilo", and not "*asher gazal*". Because it wrote it the way it did, we can learn both drashos.
 - **Others say, R' Chisda in the name of R' Yonason** said, we learn that a physical change of an item will *not* make the ganav be koneh, from the pasuk. The pasuk says "v'heishiv es hagzeila", which teaches that it must be returned in all circumstances.
 - **Q:** What about the extra words "*asher gazal*"? **A:** These words teach that the heirs do not add the payment of the 5th for the stealing of the one who died.
- **Ulla** said, we learn that yi'ush does not create a kinyan from a pasuk. The pasuk lists passul korbanos and mentions a stolen animal, a lame animal, and a sick animal. This compares a stolen animal to a lame animal and teaches that a stolen animal is permanently passul. This shows that the ganav is not koneh it even with yi'ush of the owner. **Rava** said, we learn it from the pasuk of "korbano" – it must be *his* korbon. Now, before yi'ush, the ganav could not even make it kadosh. Therefore, the pasuk must be talking about after yi'ush, and the pasuk teaches that the ganav is not koneh.
 - **Q:** **Rava** earlier explained that the pasuk can be discussing where an animal that was already designated as a korbon was stolen, and therefore is still talking about before

yi'ush!? **A:** Either we can say that **Rava** retracted from his statement, or we can say that one of these statements was made by **R' Pappa**, not **Rava**.

UMIDAS TASHLUMEI ARBA'AH VACHAMISHA...

- **Q:** Why don't we learn a gezeira shava on the word "shor" from Shabbos and learn that just as there all animals and birds are included, the same is for daled v'hey? **A: Rava** said, the pasuk says "shor" and "seh" twice, to teach that only an ox and sheep are subject to daled v'hey.
 - **Q:** Which mention of "shor" and "seh" is extra (to make this drasha)? If it is at the end of the pasuk where it says he must pay 5 cattle in the place of the shor and 4 sheep in place of the sheep, and the pasuk could have instead said "5 cattle instead of it and 4 sheep instead of it", that would not have worked, because we would think that 9 animals must be paid for each stealing and shechting!? You can't say that one of the phrases of "instead of it" are extra, because a Braisa says that this teaches that animals of the same condition as the animal stolen must be paid. **A:** Rather, the shor and seh of the beginning of the pasuk are extra. The pasuk could have said, "If a person steals and shechts it or sells it" (instead of "if a person steals a shor or seh").
 - **Q:** If it would have said that, we would have thought he is only chayuv if he stole and sheched an ox *and* a sheep!? **A:** The word "utvacho" (and he sheched it) is written in the singular, which would mean that only one animal must be stolen and sheched.
 - **Q:** Still, we would think that he is only chayuv for the selling if he steals and sells an ox and a sheep!? **A:** The word "oy mecharo" (or he sold it) is written in the singular, which would mean that only one animal must be stolen and sold.
 - **Q:** Still, we would think that he must steal both animals, and then shecht one and sell one!? **A:** The pasuk says "oy mecharo" – *or*.
 - **Q:** Still, we would think that he must steal both animals, and needs to shecht or sell only one, and leave the other as is? **A:** Rather, we must say that "shor" of the end of the pasuk and "seh" of the beginning of the pasuk are extra. The pasuk could have said "If one steals a shor and shechts it or sells it, he must pay 5 cattle in its place and 4 sheep in the place of a sheep". Why are the additional mentions of shor and seh needed? It teaches that dalaed v'hey *only* applies to a stolen ox or sheep.