



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

Bava Kamma Daf Ayin Vuv

GANAV V'HIKDISH V'ACHAR KACH TAVACH UMACHAR...

- **Q:** We can understand why he is not chayuv daled v'hey for the shechita, because it took place after it belonged to hekdesch, so he shechted an animal that no longer belonged to the owner. However, why is he not chayuv daled v'hey for making it hekdesch? Why should that be any different than selling the animal to someone else? **A:** The Mishna follows **R' Shimon**, who holds that when someone is responsible for something of hekdesch (i.e. if something happens to it he would be responsible to replace it) it is considered to still be somewhat in his possession even when it is by hekdesch. The Mishna is discussing where the ganav had this arrangement, and therefore it is never considered to be fully out of his possession, which is why he is not chayuv for daled v'hey.
 - **Q:** The end of the Mishna introduces the view of **R' Shimon**, which means the earlier part of the Mishna is not the view of **R' Shimon**!? **A:** The Mishna is referring to a ganav who stole kodashim kalim, and follows the view of **R' Yose Haglili**, who says that kodashim kalim is considered to be the property of the owner, and it therefore is considered to remain in the possession of the ganav.
 - **Q:** This would suggest that in the case of kodshei kodashim he would have to pay daled v'hey if he gave it to hekdesch. If so, instead of giving the case of the ganav who stole, shechted, then made it hekdesch, in which case he must pay daled v'hey, why doesn't the Mishna stick to a case where he gave it to hekdesch before the shechita, and give a case of chiyuv for daled v'hey when it is kodshei kodashim!? **A:** We must say that whether it is kodshei kodashim or kodshei kalim the ganav will not be chayuv for daled v'hey. With regard to why giving to hekdesch is treated differently than a sale to another person, the reason is that upon a sale the animal which was once known as the animal of the seller is now known as the animal of the buyer. However, when given to hekdesch, it still retains the name as the animal of the owner. That is why it is not considered to be a sale for purposes of daled v'hey.

R' SHIMON OMER...

- **Q:** We can understand that **R' Shimon** holds that giving to hekdesch is considered a sale of the animal for purposes of daled v'hey. However, why does he say that if he bears responsibility he is chayuv for daled v'hey, and if he does not he is patur? The opposite would seem to make more sense!? If he is still responsible, it is still in his possession and should therefore not be considered a sale!? **A:** **R' Shimon** is not talking about the case that the **T"K** was discussing. The Mishna means to say, if a second ganav steals from the first ganav, he does not pay daled v'hey. Similarly, if a ganav steals hekdesch from the house of the owner he will not pay daled v'hey, because the pasuk says "v'gunav mibeis ha'ish", and not from hekdesch. **R' Shimon** says, if the owner is responsible for that hekdesch, then the ganav would be chayuv, because it is called "mibeis ha'ish".
- **Q:** We know that **R' Shimon** holds that a shechita that is not valid is not given the status of a shechita. If so, when he steals kodashim and shechts it outside the Azarah, it is not a valid shechita and therefore he should not be chayuv for daled v'hey!? **A:** **R' Dimi in the name of R' Yochanan** said, the case is where it was an unblemished animal, and the ganav took it and shechted it in the Azarah as a korbon for the sake of the owner.
 - **Q:** If so, he has not stolen from the owner, because the owner has effectively brought his korbon!? **A:** **R' Yitzchak bar Avin** said, the case is where the blood spilled and was never put on the Mizbe'ach. **Ravin in the name of R' Yochanan** said, the case is where the ganav shechted it in the Azarah not for the sake of the owner. **Reish Lakish** said, the case is where the animal had a mum, and he shechted it outside the Azarah

- **R' Elazar** wondered, according to **R' Yochanan**, since it is the offering of the blood that makes the korbbon valid and mutar to eat, without that taking place it is not a valid shechita!? Also, according to **Reish Lakish**, without redemption of the animal, it is not mutar to eat and is not a valid shechita!? The Gemara says, **R' Elazar** forgot the shita of **R' Shimon**, that any blood ready and fit to be offered on the Mizbe'ach is considered as if it was offered, and anything that is ready to be redeemed is considered as if it is already redeemed. We see this in Braisos (a Braisa regarding a korbbon becoming assur as nossar shows that **R' Shimon** holds that as soon as the blood is fit to be offered, it is considered to be as if it was offered for certain halachos, and a Braisa regarding the para adumah shows that **R' Shimon** holds that when the para adumah is fit and is able to be redeemed, it is considered as if it was redeemed for certain halachos).