



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

### Bava Kamma Daf Tzaddik Vuv

- **Rava** said, if a person stole something, improved it, and then sold it, or if he stole it, improved it, and it was then inherited by his heirs, the buyer or the heirs are entitled to the share of the improvements that the ganav himself would have kept if the item was returned.
  - **Rava** asked, what about if the buyer improves the item? He then answered, the ganav sells any right that he had to the item, and therefore, just as the ganav had a right to a share of the improvements, the buyer does as well when he improves the property.
  - **Rava** asked, what if a goy improved the stolen item?
    - **R' Acha MiDifti** asked **Ravina**, does **Rava** think we would make an enactment to help a goy who stole!? **Ravina** explained, the question was where a goy stole and sold it to a Yid, and the question is whether that Yid gets a share of the improvements.
      - **Q:** This Yid is coming on the basis of a goy and therefore will have no more rights than that goy would have!? **A:** The case of **Rava** is where a Yid stole an item, sold it to a goy who improved it, who then sold it to a Yid. The question is, since the chain begins with a Yid, do we treat it as if there was no goy involved, or do we say that since a goy was in the chain, no enactment was made for him.
    - With regard to **Rava's** question, the Gemara stays with a **TEIKU**.
- **R' Pappa** said, if a person steals a palm tree and cuts it down, even if it falls into the ganav's property, he is not koneh the tree, because when it stood it was called a palm tree and now in its fallen state it is still called a palm tree (therefore there is no "change" to effect a kinyan). If he stole a palm tree and cut it into logs he is also not koneh, because before it was called a palm tree and now it is called palm tree logs, which is considered to be the same thing. However, if he stole logs and made them into beams he is koneh. If he stole large beams and made them into small beams he is not koneh, because they are the same thing, but if he made the beams into boards he is koneh.
- **Rava** said, if a person steals a lulav and tore off the leaves, he is koneh it, because initially it was called a lulav and now they are called leaves. If he stole lulav leaves and made them into a broom he is koneh it, because initially they were leaves and now they are a broom. If he stole a broom and made the leaves into a rope he is not koneh, because he can undo the rope and have the broom again.
  - **Q: R' Pappa** asked, what if he stole a lulav and split the middle leaf in two? **A:** We have learned that **R' Mason in the name of R' Yehoshua ben Levi** said, if the middle leaf of a lulav is missing, it is passul. Presumably the same halacha would apply if the leaf was split, and if so, splitting that leaf makes a change and he should be koneh.
    - The Gemara says this is no proof, because it may be that a lulav is only passul when the leaf is missing, not when it is split.
    - **Others** say that **R' Mason in the name of R' Yehoshua ben Levi** said, if the middle leaf of a lulav is split it is considered as if it is missing, and is passul. This would be a proof that splitting the middle leaf creates a change that causes the ganav to be koneh.
- **R' Pappa** said, if someone stole earth and made it into a brick he is not koneh, because the brick can be turned back into the earth. If he stole a brick and made it into earth he is koneh, because although he could make it back into a brick, that is considered to be a new brick, and not a reformation of the old brick.
  - **R' Pappa** also said, if a person stole silver and made it into a coin he is not koneh, because he can melt it back down into plain silver. If he stole coins and melted them

down into silver he is koneh, because although he could make it back into a coin, that is considered to be a new coin, and not a reformation of the old coin. If he stole tarnished coins and made them like new he is not koneh. If he stole new coins and tarnished them, he is koneh, because even if he were to then make them shiny again, it will be noticeable that they were tarnished.

#### ZEH HAKLAL KOL HAGAZLANIN MISHALMIN KISHAS HAGZEILAH

- The “general rule” comes to include the case of **R’ Illa**, who said that if a ganav steals a lamb and it becomes a ram, or he steals a calf and it becomes an ox, it is considered to be a change that makes him be koneh, and if he were then to shecht or sell the animal he would not pay daled v’hey, because he is considered to have shechted or sold his own animal.
- A person once stole a pair of oxen and worked his field with them. When he returned them to the owner, **R’ Nachman** told him that he must appraise the improvement that he did with the animals and give that value to the owner of the animals. **Rava** asked, the land was involved in the improvement as well, so why should he give the full value to the owner of the oxen? **R’ Nachman** said, I meant that he should give half the value to the owner of the oxen. **Rava** asked, we have learned in our Mishna, when a gazlan returns the stolen item he only need pay the value at the time of the stealing!? **R’ Nachman** said, this case is different, because this robber was a repeat offender and therefore was fit to be penalized.

#### MISHNA

- If a ganav stole an animal and it aged, or he stole a slave and it aged, he must pay the value at the time of the stealing. **R’ Meir** says, in the case of the slave he can simply give it back (he was not koneh it).
- If he stole a coin and it broke, or he stole fruit and it spoiled, or wine and it spoiled, he pays the value at the time of the stealing. However, if he stole a coin and it was taken out of currency and rendered worthless, or he stole terumah and it became tamei, or chametz and Pesach arrived, or an animal and an aveirah was done with it or it became passul for the Mizbe’ach, or it became chayuv misah, the ganav may simply return the item to the owner.

#### GEMARA

- **R’ Pappa** said, the Mishna doesn’t mean that the animal must actually age, rather even if it merely got weak, it would be considered changed and the ganav would be koneh.
  - **Q:** The Mishna specifically says “it aged”!? **A:** It means that it became weak in a way similar to aging, meaning that it is permanent.
  - **Mar Kashisha the son of R’ Chisda** said to **R’ Ashi**, it is said in the name of **R’ Yochanan**, even if one steals a lamb and it becomes a ram, or a calf and it becomes an ox, he is koneh the animal, and if he were then to shecht or sell the animal he would not pay daled v’hey, because he is considered to have shechted or sold his own animal. **R’ Ashi** replied, that was said in the name of **R’ Illa**.

#### R’ MEIR OMER BA’AVADIM OMER LO HAREI SHELICHA LIFANECHA

- **R’ Chanina bar Avdimi in the name of Rav** said the halacha follows **R’ Meir**.
  - **Q:** Would **Rav** pasken like **R’ Meir** over the **Rabanan**? **A:** He does so because a Braisa reverses the shitos.
  - **Q:** Why would he follow a Braisa over a Mishna? **A:** **Rav** reversed the Mishna as well.
  - **Q:** Why would he reverse the Mishna to conform with the Braisa instead of reversing the Braisa to conform with the Mishna? **A:** **Rav’s** version of the Mishna was reversed compared to the way we have the Mishna. **A2:** The reason he reversed the Mishna is because there are two Braisos that have the shitos reversed from the Mishna.
    - **Q:** If so, he should have said the halacha follows the **Rabanan**!? **A:** He was saying that according to your version of the Mishna, the halacha follows **R’ Meir**.