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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rava stated: [There is no question] that where the robber improved [the stolen article] and then sold it, or where the robber improved [the stolen article] and then left it to his heirs, he has genuinely sold or left to his heirs the improvements he has created. Rava [however] asked: What would be the law where [after having bought the stolen article from the robber] the purchaser improved it? After asking the question he himself gave the answer: That what the former sold the latter, was surely all rights which might subsequently accrue to him.

Rava [again] asked: What would be the law where an idolater [stole an article and] improved it? — Rav Acha of Difti said to Ravina: Shall we trouble ourselves to make an enactment for [the benefit of] an idolater? — He said to him: No; the query might refer to the case where, e.g., he sold it to an Israelite. [But he retorted:] Be that as it may, he who comes to claim through an idolater [predecessor], could surely not expect better treatment than the idolater himself. — No; the query could still refer to the case where, e.g., an Israelite had stolen an article and sold it to an idolater who improved it and who subsequently sold it to another Israelite. What then should be the law? Shall we say that since an Israelite was in possession at the beginning and an Israelite was in possession at the end, our Rabbis would also here make [use of] the enactment, or perhaps since an idolater intervened our Rabbis would not make [use of] the enactment? — Let it remain undecided. (96a1 – 96a2)

Rav Pappa stated: If one stole a palm tree from his fellow and cut it down, he would not acquire title to it even

though he felled it from [the other's] field into his own land, the reason being that it was previously called a palm tree and is now also called a palm tree. [So also] where out of the palm tree he made logs, he would not acquire title to them, as even now they would still be called logs of a palm tree. It is only where out of the logs he made beams that he would acquire title to them. But if out of big beams he made small beams he would not acquire title to them, though were he to have made them into boards he would acquire title to them. (96a2 – 96a3)

Rava said: If one stolen a lulav and converted it into leaves he would acquire title to them, as originally it was called a lulav whereas now they are mere leaves. So also where out of the leaves he made a broom he would acquire title to it, as originally they were leaves whereas now they form a broom, but where out of the broom he made a rope he would not acquire title to it since if he were to undo it, it would again become a broom.

Rav Pappa asked: What would be the law where the central leaf of the lulav became split? — Come and hear: Rabbi Masun said that Rabbi Yehoshua ben Levi stated that if the central leaf of the lulav was removed the lulav would be disqualified [for the mitzvah of taking the lulav on Sukkos]. Now, wouldn't the same law apply where it was merely split? — No; the case where it was removed is different, as the leaf is then missing altogether.

Some [on the other hand] read thus: Come and hear what Rabbi Masun said that Rabbi Yehoshua ben Levi stated that if the central leaf was split it would be considered as



if it was altogether removed and the lulav would be disqualified; which would solve [Rav Pappa's question]. (96a3 – 96b1)

Rav Pappa [further] said: If one stole earth from another and made a brick out of it, he would not acquire title to it, the reason being that it could again be made into earth, but if he converted a brick into earth he would acquire title to it. For should you object that he could perhaps make the earth again into a brick, [it may be said that] that brick would be [not the original but] another brick, as it would be a new entity which would be produced.

Rav Pappa [further] said: If one stole an ingot of silver from another and converted it into coins, he would not acquire title to them, the reason being that he could again convert them into an ingot, but if out of coins he made an ingot he would acquire title to it. For should you object that he can again convert it into coins, [my answer is that] it would be a new entity which would be produced.

If [the coins were] blackened and he made them look new he would thereby not acquire title to them, but if they were new and he made them black he would acquire title to them, for should you object that he could make them look again new, [it may be said that] their blackness will surely always be noticeable. (96b1)

The Mishnah had stated: This is the general principle: all robbers have to pay in accordance with [the value of the stolen articles at] the time of the robbery.

What additional fact is the expression, 'this is the general principle' intended to introduce? — It is meant to introduce that which Rabbi Il'a said: If a thief stole a lamb which became a ram, or a calf which became an ox, as the animal underwent a change while in his hands he would acquire title to it, so that if he subsequently slaughtered or sold it, it was his which he slaughtered and it was his which he sold. (96b1 – 96b2)

A certain man who stolen a yoke of oxen from his fellow. He went and did some plowing with them and also sowed with them some seeds and at last returned them to their owner. When the case came before Rav Nachman he said [to them]: Go and appraise the improvements [added to the field]. But Rava said to him: Were only the oxen instrumental in the improvements, and did the land contribute nothing to the improvements? — He replied: Did I ever order payment of the full appraisalment of the improvements? I surely meant only half of it. He, however, rejoined: Be that as it may, since the oxen were stolen they merely have to be returned intact, as we have indeed learned: All robbers have to pay in accordance with [the value] at the time of the robbery. - [Why then pay for any work done with them?] — He replied: Did I not say to you that when I am sitting in judgment you should not make any suggestions to me, for Huna our colleague said with reference to me that I and King Shabur [i.e., Shmuel] are [like] brothers in respect of civil law? That person [who stole the pair of oxen] is a notorious robber, and I want to penalize him. (96b2)

MISHNAH: If one stole an animal and it became old, or slaves and they became old, he would have to pay according to [the value at] the time of the robbery. Rabbi Meir, however, says that in the case of slaves he might say to the owner, "Behold, what is yours is before you." If he stole a coin and it became cracked, fruits and they rotted or wine and it became sour, he would have to pay according to [the value at] the time of the robbery. But if [one stole] a coin and it became disqualified, [or if he stole] terumah and it became tamei, [or if he stole] chametz and Pesach passed it by, or if the animal [he stole] became disqualified from being sacrificed upon the Altar, or if it was going out to be stoned, he can say to him: "Behold, what is yours is before you." (96b2 – 96b3)

Rav Pappa said: The expression 'it became old' does not necessarily mean that it actually became old, for [the

same law would apply] even where it had otherwise deteriorated. But do we not expressly learn: It became old? — This indicates that the deterioration has to be equivalent to its becoming old, i.e., where it will no more recover health.

Mar Kashisha, the son of Rav Chisda, said to Rav Ashi: It has been expressly stated in the name of Rabbi Yochanan that even where a thief stole a lamb which became a ram, or a calf which became an ox, since the animal underwent a change while in his hands he would acquire title to it, so that if he subsequently slaughtered or sold it, it was his which he slaughtered and it was his which he sold. He said to him: Did I not say to you that you should not transpose the names of scholars? That statement was made in the name of Rabbi Il'a. (96b3)

The Mishnah had stated: Rabbi Meir, however, says that in the case of slaves he might say to the owner, "Behold, what is yours is before you."

Rav Chanina bar Avdimi said in the name of Rav that the halachah is in accordance with Rabbi Meir. - But how could Rav abandon the view of the Rabbis and act in accordance with Rabbi Meir? — It may, however, be said that he did so because in the text of the [relevant] Baraisa the names were transposed. But again how could Rav abandon the text of the Mishnah and act in accordance with the Baraisa? — Rav, even in the text of our Mishnah, had transposed the names. - But still what was the reason of Rav for transposing the names in the text of the Mishnah because of that of the Baraisa? Why not, on the contrary, transpose the names in the text of the Baraisa because of that of our Mishnah? — It may be answered that Rav, in the text of our Mishnah too, was taught by his masters to have the names transposed. Or if you like I may say that [the text of a Mishnah] is not changed [in order to be synchronized with that of a Baraisa] only in the case where there is one against one, but where there is one against two, it must be changed [as is indeed the case

here]; for it was taught in a different Baraisa: If one exchanges a cow for a donkey and [the cow] gave birth to a calf [approximately at the very time of the exchange], so also if one sold his Canaanite slavewoman and she gave birth to a child [approximately at the time of the sale], and one says that the birth took place while [the cow or slavewoman was] in his possession and the other one is silent [on the matter], the former will obtain [the calf or child as the case may be], but if one said, "I don't know," and the other said, "I don't know," they would divide it. If, however, one says [that the birth took place] when he was the owner and the other says [that it took place] when he was the owner, the seller would have to swear that the birth took place when he was owner [and thus retain it], for all those who have to take an oath according to the law of the Torah, by taking the oath release themselves from payment; these are the words of Rabbi Meir. But the Sages say that an oath can be imposed neither in the case of slaves nor of land. - Now [since the text of our Mishnah should have been reversed, why did Rav state that] the halachah is in accordance with Rabbi Meir? Should he not have said that the halachah is in accordance with the Rabbis? — What he said was this: According to the text you taught with the names transposed, the halachah is in accordance with Rabbi Meir. (96b3 – 96b5)

#### DAILY MASHAL

Rabbi Moshe Leib of Sassov was walking from town to town collecting money for the wedding expenses of needy brides. He was taken by surprise when a band of robbers attacked him in the woods. The robbers surrounded him on all sides and were about to kill him, when their leader suddenly recognized R. Moshe Leib.

"This is the holy Rebbe from Sassov!" he exclaimed. "I won't let anyone harm him!"

That same robber had once been a beggar. Together with a group of other poor men, he had come one day to the marketplace in the city of Brod. He was very hungry but had no idea how to find something to eat. Then one of his companions told him that R. Moshe Leib gave out bread and borscht for free. The entire group went to the Rebbe's house, and R. Moshe Leib lovingly doled out food and drink to each one, offering words of comfort to the poor people and refusing to take a penny from them.

The one who later "rose" to become leader of a band of robbers remembered R. Moshe Leib and the good deed he had done.

The robbers behaved respectfully toward the Sassover. "We have a Jewish boy with us who once learned Torah but is now a member of our gang," they told him. "Test him and see whether he remembers what he learned."

R' Moshe Leib asked the youth a question of Talmud, but the young robber could not answer. Then the Rebbe asked a question on *Chumash* (the Five Books of Moses), but he could not answer that, either. When the robbers saw that their companion was failing his test, they condemned him to a hundred lashes "just for fun."

R' Moshe Leib saw that the beating was nearly killing the silent youth. He begged the robbers to have mercy. The lashes stopped.

The robbers agreed to let the youth accompany R' Moshe Leib to the next town. As they walked, R' Moshe Leib tried to persuade the young man to turn his life around, and he succeeded in convincing him.

"Tell me," asked R' Moshe Leib after a while; "how did you bear all those lashings without saying a word? Where did you find the strength to bear such suffering in silence?"

The young man answered, "We robbers are used to this. We beat each other cruelly in order to build up our strength so that, if we are ever caught by the police and tortured to reveal our secrets, we will be able to endure the pain in silence."

"And where does this strength come from?" R. Moshe Leib persisted.

"I keep thinking that each lash is the last, and that after it will come relief. After all, a beating doesn't last forever."

Later, when Jews would come to the Sassover Rebbe pouring out their troubles, he would tell them, "Just imagine that your portion of suffering is full, and that tomorrow you will be free of it. After all, a beating doesn't last forever!"