



OVERVIEW BAVA KAMA DAF 12

Section 1: Are Slaves Like Land?

The Debate Continues:

Ula (after Rav Nachman left): Really, R. Elazar said that we CAN collect slaves from orphans (to pay a debt).

Rav Nachman: Ula evaded me (he feared I'd challenge him).

Cases occurred where the judges of Nehardai collected slaves from orphans, and R. Chana bar Bizna did so in Pumbedisa.

Rav Nachman (to the creditor): Return the slaves. If not, I'll collect from YOUR house!

Rava's question: R. Elazar, Ula, the judges of Nehardai, and R. Chana bar Bizna all say we collect. On whom do you rely to oppose this?

Rav Nachman's answer: I rely on a Beraisa:

Avimi - Beraisa: Pruzbul (a document preventing loans from being cancelled in the Sabbatical year) takes effect only on LAND, not on slaves. Also, movable objects can be acquired along with land, but NOT with slaves.

Section 2: Acquisition Agav Land and Slaves

Do Tannaim Argue About This?

Suggestion: Tannaim argue about whether slaves are like land.

Beraisa #1: Shimon was buying slaves and land:

- If he did a Chazakah (act of possession) on the slaves → He did NOT acquire the land
- If he did a Chazakah on the land → He did NOT acquire the slaves

- If buying land and movables: Chazakah on land → He DID acquire the movables
- If buying slaves and movables: Chazakah on slaves → He did NOT acquire the movables

Beraisa #2: If he did a Chazakah on the slaves → He DOES acquire the movables.

Suggestion: Tanna #1 holds slaves are like movables. Tanna #2 holds they're like land.

Two Rejections:

Version #1 (Rav Ika brei d'Rav Ami): All agree slaves are like land.

Tanna #1 holds movables are acquired only with STATIONARY land (like "fortified cities in Yehudah" - the biblical source for acquiring things together with land). Slaves move around, so they don't qualify.

Version #2 (Rav Ika brei d'Rav Ami): All agree slaves are like movables.

Tanna #2 said movables are acquired with slaves - but he means the CLOTHES the slave is wearing.

Beraisa #3 and Resolution:

Question (Beraisa #3): A Chazakah to acquire land ALSO acquires the slaves!

Answer: That's when the slaves are standing IN the land.

Inference: So Beraisa #1 says they're NOT acquired even when standing in the land!

Version #1 explains: Slaves are like movables. Movables are acquired with land only if they're ON that land.

Version #2 question: Slaves are like land. What difference does it make whether they're in the land? Shmuel said: If buying lands in different places, you do a Chazakah on one and acquire them all!

Counter-question: According to Version #1, movables can be acquired with land even if not ON that land!

Answer: Movables that MOVE are unlike movables that DON'T move.

Final answer: Land that moves is unlike land that doesn't move! Slaves are "land that moves." Shmuel discusses regular land - all land is connected.

Section 3: Ownership of Kodshim Kalim (Less Holy Offerings)

The Mishnah:

Property to which Me'ilah (misuse of sacred property) doesn't apply.

Inference: Me'ilah doesn't apply to them, but they ARE Kodshim (sacred)!

Who Is the Tanna?

R. Yochanan: The Mishnah discusses Kodshei Kalim (less holy offerings). It follows R. Yosi ha'Glili, who says they're the property of their owner.

Beraisa - R. Yosi ha'Gelili: "He transgressed against God (and denied his fellow man)" includes Kodshei Kalim, which pertain to God AND are a person's property.

Betrothal with Kodshim:

Mishnah: If someone betrothed a woman with his portion of Kodshim, whether Kodshei Kodoshim (most holy) or Kodshei Kalim, the betrothal is INVALID.

Suggestion: This Mishnah is NOT like R. Yosi ha'Glili!

Rejection: It can be like R. Yosi ha'Glili. He said Kodshei Kalim are the owner's property only while the animal is ALIVE. After slaughter, he agrees they're considered God's - we're just allowed to eat them.

Does R. Yosi Really Hold This?

Question: Does R. Yosi really hold Kodshei Kalim are owned while alive?

Mishnah: An unblemished Bechor (firstborn animal) may be sold when alive. If blemished, it may be sold alive or slaughtered; the Kohen may use it to betroth a woman.

Rav Nachman: This is only nowadays (without the Temple). Since it can't be offered, Kohanim own it. When the Temple stands, Kohanim don't own it.

Rava's question from Beraisa: R. Yosi ha'Glili said "He transgressed" includes Kodshei Kalim, which are a person's property!

Ravina's answer: The Beraisa discusses a Bechor outside Israel, according to R. Shimon, who holds that if brought unblemished to the Temple, they're offered, but we don't purposely bring them.

Summation of question: If R. Yosi says they're a person's property while alive, Ravina should have answered that the Beraisa follows R. Yosi!

Answer: Gifts to the Kohen are unlike other Kodshei Kalim. They're God's (the Kohen is just allowed to eat them).