Self Acceptance and/vs. Teshuvah 1

Source Sheet by Alex Ozar

צדקת הצדיק מ':א'

[מ] עיקר התשובה הוא עד שיאיר ה' עיניו שיהיו זדונות כזכיות ר"ל שיכיר ויבין שכל מה שחטא הי' ג"כ ברצון הש"י

Bereshit Rabbah 67:4

Rabbi Ḥanina said: Anyone who says that the Holy One blessed be He is lax, may his intestines become lax. Rather, He shows patience and collects His due.

Bava Kamma 94b:2

The Gemara continues the discussion of acquisition of a stolen item due to a change it underwent. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: By Torah law, a stolen item that has changed is returned as is, as it is stated: "And he shall restore that which he took by robbery" (Leviticus 5:23). This indicates that he shall return it in any case, even if it has been changed. And if you say: In our mishna it is stated that if the stolen item is changed the robber gives monetary compensation rather than

בראשית רבה ס"ז:ד'

אָמַר רַבִּי חֲנִינָא כָּל מִי שֶׁהוּא אוֹמֵר שֶׁהַקָּדוֹשׁ בָּרוּךְ הוּא וַתְּרָן הוּא יִתְוַתְּרוּן בְּנֵי מְעוֹהִי, אֶלָּא מַאֲרִיךְ אַפֵּיה וְנָבֵי דִּילֵיה, ז מַאֲרִיךְ אַפֵּיה וְנָבֵי דִּילֵיה, ז

בבא קמא צ"ד ב:ב'

אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: דְּבַר תּוֹרָה – גְּזֵילָה הַנִּשְׁתַּנֵּית, חוֹזֶרֶת בְּעֵינֶיהָ. שֶׁנֶּאֱמַר: "וְהֵשִׁיב אֶת הַנְּזֵלָה אֲשֶׁר גָּזָל" – מִכָּל מָקוֹם. וְאִם תֹּאמַר: מִשְׁנָתֵנוּ! מִשׁוּם תַּקְנַת הַשָּׁבִים. returning the item, that policy was instituted by the Sages due to the ordinance instituted for the penitent.

Meilah 14b:6

Rav Pappa said: This is the reason **that one builds** the structures in the Temple with non-sacred materials and afterward consecrates those materials upon completion: It is because the Torah was not given to the ministering angels, who do not tire and do not have physical needs, but rather to human beings. Therefore, the Sages **said** that **perhaps** an artisan will **want to** rest and sit on the stones being used in the construction, and he might in fact sit on them. And if he builds with consecrated materials, it will be found that he misused consecrated property. Consequently, it is preferable for one to build with non-sacred materials, and the structure should be

מעילה י"ד ב:ו'

ַרַב פָּפָּא אָמַר: הַיְינוּ טַעְמָא דְבוֹנִין בַּחוֹל – לֹא נִתְּנָה תּוֹרָה לְמַלְאֲכֵי הַשָּׁרֵת, אִמְרֵי דִּלְמָא בָּעֵי לְמִיזְנָּא, וּזְנָא עֲלַיְיהוּ. אִי בְּנָא בְּקוּדְשָׁא – אִישְׁתְּכַח דְּקָמָעֵיל בְּקוּדְשָׁא.

Bereshit Rabbah 8:5

Rabbi Simon said: When the Holy One blessed be He came to create Adam the first man, the ministering

consecrated only upon completion.

בראשית רבה ח':ה'

אָמַר רַבִּי סִימוֹן, בְּשָׁעָה שֶׁבָּא הַקָּדוֹשׁ בָּרוּךְ הוּא לִבְרֹאת אֶת אָדָם הָרִאשׁוֹן, נַעֲשׂוּ מַלְאֲבֵי angels divided into various factions and various groups. Some of them were saying: 'Let him not be created,' and some of them were saying: 'Let him be created.' That is what is written: "Kindness and truth met; righteousness and peace touched" (Psalms 85:11). Kindness said: 'Let him be created, as he performs acts of kindness.' Truth said: 'Let him not be created, as he is all full of lies.' Righteousness said: 'Let him be created, as he performs acts of righteousness.' Peace said: 'Let him not be created, as he is all full of discord.' What did the Holy One blessed be He do? He took Truth and cast it down to earth. That is what is written: "You cast truth earthward" (Daniel 8:12). The ministering angels said before the Holy One blessed be He: 'Master of the universe, why are You demeaning Your very seal? Let Truth ascend from the earth.' That is what is written: "Truth will spring from the earth" (Psalms 85:12). The Rabbis say in the name of Rabbi Hanina bar Idi, and Rabbi Pinhas and Rabbi Hilkiya said in the name of Rabbi Simon: *Meod*, this refers to Man [adam]. That is what is written: "God saw everything that He had made, and, behold, it was very [meod] good" (Genesis 1:31) – Man [adam] was good.

השבת כַּתִּים כַּתִּים, וחבורות חֲבוּרוֹת, מֵהֶם אוֹמִרִים אַל יִבַּרֵא, וּמֶהֶם אוֹמָרִים יָבַּרָא, הָדָא הוּא דְכָתִיב (תהלים פה, יא): חֶסֶד וֵאֱמֵת נִפְגָשׁוּ צֵדֵק וְשָׁלוֹם נַשָּׁקוּ. חֶסֶד אוֹמֶר יִבַּרָא, שַהוּא גּוֹמֶל ָחֲסָדִים. וֵאֲמֶת אוֹמֶר אַל יִבַּרֵא, שַׁכַּלּוֹ שָׁקַרִים. צֵדָק אוֹמֵר יִבַּרָא, שהוא עושה צדקות. שלום אוֹמֵר אַל יִבַּרָא, דְּכוּלֵיה קְטַטַה. מַה עשה הקדוש בּרוּך הוּא נטל אָמֶת וָהָשָׁלִיכוֹ לַאַרֵץ, הַדָא הוּא דְכָתִיב (דניאל ח, יב): וְתַשְׁלֵךְ אֱמֶת אַרְצָה, אַמְרוּ מַלְאֵכֵי ָהַשַּׁרֵת לְפָנֵי הַקַּדוֹשׁ בַּרוּךְ הוּא, רבון הַעולַמִים מַה אַתַּה מִבַוֵּה תַּכָסִים אַלְטִיכָסִיָה שֵׁלָּךְ, תַּעֲלֶה אָמֵת מָן הָאָרֵץ, הַדָא הוּא דְכָתִיב (תהלים פה, יב): אֱמֶת מֵאֶרֵץ תִּצְמָח. רַבָּנָן אָמְרֵי לָה בְּשֵׁם רַבִּי חַנִינָא בַּר אִידֵי וְרַבִּי פִּינְחָס וְרַבִּי ָחֵלְקִיָּה בִּשֶׁם רַבִּי סִימוֹן אָמַר, מְאֹד, הוּא אָדָם. הַדָא הוּא דְכָתִיב (בראשית א, לא): וַיַּרָא אֱלֹהִים אֶת כָּל אֲשֶׁר עָשָׂה וְהִנֵּה טוֹב מָאֹד, וָהְנֶּה טוֹב אַדָם. רַב הוּנָא רַבָּה שֵׁל צִפּוֹרִין אֲמַר עַד שַׁמַלְאַכֵי הַשָּׁרֵת מִדַּיִּנִין אֵלּוּ עִם אַלּוּ וּמָתַעַסָּקִין אֵלּוּ עָם אֵלּוּ Rav Huna, the rabbi of Tzippori, said: While the ministering angels were busy deliberating with one another and engaging with one another, the Holy One blessed be He created him. He said to them: 'Why are you deliberating? Man has already been created.'

בְּרָאוֹ הַקָּדוֹשׁ בָּרוּךְ הוּא. אָמַר לָהֶן מָה אַתֶּם מִדִּיְנִין כְּבָר נַעֲשָׂה אַדַם.

Bava Kamma 94b:5-95a:2

§ Having mentioned the ordinance instituted for the penitent, the Gemara discusses other details of this ordinance. The Sages taught in a baraita (Tosefta, Shevi'it 8:11): With regard to robbers or usurers that **returned** either the stolen item or the interest to the one from whom they took it, **one** should **not** accept it **from them. And** with regard to one who does accept it from them, the Sages are displeased with him, since by doing so he discourages those who wish to repent. **Rabbi** Yoḥanan says: This mishna, i.e., the statement of the Tosefta, was taught in the days of Rabbi Yehuda HaNasi, as it is taught in a baraita: There was an incident with regard to one man who desired to repent after having been a thief for many years. His wife said to him: Empty one [reika], if you repent you will have to return all the stolen items to

בבא קמא צ"ד ב:ה'-צ"ה א:ב'

תָנוּ רַבָּנַן: הַגַּזְלָנִין וּמַלְנֵי בְּרְבִּית שֶׁהֶחְזִירוּ – אֵין מְקַבְּלִין מֵהֶן. וְהַמְלַבֵּל מֵהֶן – אֵין רוּחַ חֲכָמִים נוֹחָה הֵימֶנּוּ. אָמַר רַבִּי יוֹחָנָן: בִּימֵי רַבִּי נִשְׁנִית מִשְׁנָה זוֹ. דְּתַנְיָא: מַעֲשֶׂה בְּאָדָם אֶחָד שֶׁבְּקֵשׁ לַעֲשׁוֹת תְּשׁוּבָה, אָמְרָה לוֹ אִשְׁתוֹ: רֵיקָה! אִם אַתָּה עוֹשֶׂה תְשׁוּבָה, אֲפִילּוּ אַבְנֵט אֵינוֹ שֶׁלְּךֵ! וְנִמְנַע וְלֹא עָשָׂה תְּשׁוּבָה. בְּאוֹתָה שָׁעָה אָמְרוּ: הַגַּזְלָנִין וּמַלְנִי רִבִּיּוֹת שֶׁהֶחְזִירוּ – אֵין מְקַבְּלִין מֵהֶם, וְהַמְקַבֵּל מֵהֶם – אֵין רוּחַ חֵכַמִים נוֹחַה הֵימֵנּוּ.

מֵיתִיבִי: הָנִּיחַ לָהֶם אֲבִיהֶם מָעוֹת שֶׁל רִבִּית, אַף עַל פִּי שֶׁהֵן יוֹדְעִין שֶׁהֵן רִבִּית – אֵין חַיָּיבִין לְהַחְזִיר. אִינְהוּ הוּא דְּלָא, הָא אֲבִיהֶם חַיָּיב לְהַחְזִיר. בְּדִין הוּא אֲבִיהֶם חַיָּיב לְהַחְזִיר. בְּדִין הוּא

their rightful owners, and **even** the belt that you are wearing is not yours, and he refrained and did not repent. At that time, the Sages said: With regard to robbers or usurers that returned either the stolen item or the interest to the one from whom they took it, **one** should not accept it from them. And concerning one who does accept it from them, the Sages are displeased with him. The Gemara raises an objection from a baraita: With regard to children whose deceased father left them money paid as interest, although they know that it is interest, they are not obligated to return it. The Gemara infers: They, the children, are the ones that are not obligated to return it, **but their father** would have been **obligated to return** it, and his victims may accept his money. The Gemara responds: **By right,** the *baraita* should have taught **that their father also** would **not** have been **obligated to return** it. **And** the fact **that** the *baraita* teaches this halakha with regard to the children is **because** of the fact that the baraita wants to teach a halakha in the latter clause: If their deceased father left them a cow, or a garment, or any other specific item he had stolen or taken as interest, they are obligated to

ַדְאֲבִיהֶם נָמֵי אֵינוֹ חַיָּיב לְהַחְזִיר;

וְהָא דְּקָתְנֵי בְּדִידְהוּ – מִשׁוּם

דְּקָא בָּעֵי לְמִתְנֵי סֵיפָּא: "הִנִּיחַ

לְהֶם אֲבִיהֶם פָּרָה וְטַלִּית וְכָל

הָבְּר הַמְּסוּיִּים – חַיִּיבִין לְהַחְזִיר

מִפְּנֵי כְּבוֹד אֲבִיהֶם", תְּנָא רֵישָׁא

נְמֵי בְּדִידְהוּ. וּמִפְּנֵי כְּבוֹד אֲבִיהֶם

תְיִּבִין לְהַחְזִיר? אֶקְרֵי כָּאן:

יְנְשִׁיא בְעַמְּךְ לֹא תָאֹר" –

בְּעוֹשֶׁה מַצְשֵׂה עְמְּדְ?! כִּדְאָמַר

הָכָא נָמֵי, בְּשֶׁעְשָׂה תְּשׁוּבָה, אִי

הָכָא נָמֵי, בְּשֶׁעְשָׂה תְּשׁוּבָה. אִי

עָשָׂה תְּשׁוּבָה, מַאִי בָּעֵי נַּבֵּיהּ?

אִיבְּעִי לֵיהּ לְאַהְדּוֹרֵי! שֶׁלֹּא

הִסְפִּיק לְהַחְזִיר עַד שָׁמֵת.

תָּא שְׁמַע: הַגַּוְלָנִים וּמַלְוֵי
בְּרִבִּית, אַף עַל פִּי שֻׁנָבוּ –
מַחְזִירִין. גַּוְלָנִין – מַאי ״שֶׁנָבוּ״
אִיכָּא? אִי בְּזוּל – בְּזוּל, וְאִי לָא
בְּזוּל – לָא בְּזוּל! אֶלָּא אֵימָא:
הַגַּוְלָנִין, וּמַאי נִיהוּ – מַלְוֵי
רַבִּיוֹת; אַף עַל פִּי שֻׁנָבוּ –
מַחְזִירִין! אָמְרִי: מַחְזִירִין, וְאֵין
מַחְזִירִין? לָצֵאת יְדֵי שָׁמַיִם.
מַחְזִירִין? לָצֵאת יְדֵי שָׁמַיִם.

תָא שְׁמַע: הָרוֹּעִים וְהַגַּבָּאִין וְהַמּוֹכְסִין – תְּשׁוּבָתָן קְשָׁה, return it due to the honor of their **father,** so that the item not serve as a reminder to all that their father transgressed. Since this halakha needs to be stated specifically with regard to the children, the first clause of the baraita is also taught with regard to them. The Gemara asks: But is it true that due to the honor of their father they are **obligated to return** the item or money? **I will read here** the verse: "You shall not revile God. nor curse a ruler of your people" (Exodus 22:27), from which the Sages inferred that the prohibition against cursing a ruler is in effect only with regard to a ruler that acts as a member of your people, i.e., in accordance with Torah law. One who curses a wicked ruler does not violate this prohibition. Similarly, if one's father is wicked, the mitzva to honor him should not apply. Why would his children have to return items that he stole due to his honor? The Gemara responds: It is **like that** which Rav Pinehas said concerning a different case: This is a case where **he repented. Here too,** it is a case where the father repented, and since he is no longer wicked, his children are obligated to honor him. The Gemara asks: If he repented, what was the stolen item or interest doing with him? He should have

וּמַחָזִירִין לְמַכִּירִין! אַמִרִי: מַחְזִירִין, וְאֵין מְקַבְּלִין מֵהֵם. וָאֶלַּא לַמַּה מַחָזִירִין? לַצֵאת יָדֵי שָׁמַיִם. אִי הָכִי, אַמַאי תִּשׁוּבָתַן קַשָׁה? וַעוֹד, אֵימַא סֵיפַא: וְשֵׁאֵין מַכִּירִין – יַצֵשֵׂה בָּהֵן צַרְכֵי צִיבּוּר, וְאָמַר רַב חְסִדַּא: בּוֹרוֹת, שִׁיחִין וּמְעַרוֹת! אֵלָא לַא קַשִׁיַא; בַאן קוֹדֶם תַּקַנָה, כַּאן לְאַחַר תַקַנָה. וָהַשָּׁתַא דָאַמַר רַב נַחָמַן: בְּשָׁאֵין גָזֵילָה קַיֵּימֵת – אֲפִילּוּ ָתֵימָא אָידֵי וְאִידֵי לְאַחַר תַּקַנָה; וְלַא קַשִּׁיָא, כָּאן בִּגְזֵילָה קַיֶּימֶת, בַּאן בִּשָׁאֵין גַּזֵילַה קַיֵּימֵת. וְהַא אַבְנָט – דְּגָזֵילָה קַיֵּימֵת הִיא! מַאי "אַבנט" – דְמֵי אַבנט. וְכל הֵיכָא דָּגְזֵילָה קַיֵּימֵת, לָא עֲבוּד ָרַבָּנַן תַּקַּנָתָּא?! וַהֵרֵי מָרִישׁ, דְּגְזֵילָה קַיֶּימֶת הִיא; וּתִנַן: עַל ָהַמַּרִישׁ הַגַּזוּל שָבִנָאוֹ בַּבִּירַה, שַׁיִּטוֹל דַּמַיו – מִפָּנֵי תַקַּנַת הַשָּׁבִים! שָׁאנֵי הָתָם, דְּכֵיוָן דָּאִיכָּא פָּסֵידָא דְבִירָה – שַׁוִּיוּהָ רבנן כדליתה. returned it while he was still alive. The Gemara responds: It is a case where he did not manage to return it before he died.

Consequently, the children must return the items in order to uphold their father's honor. The Gemara raises another contradiction: Come and **hear** the statement of another baraita: With regard to robbers and usurers, although they collected the stolen item or interest, they return it. The Gemara first clarifies the meaning of the baraita: In the case of robbers, what collection is there, i.e., why did the baraita use the term: Collected, in this context? If they robbed, they robbed and did not collect anything; and if they did not rob, they did not rob and cannot be called robbers at all. Rather, emend the text of the baraita to say: With regard to robbers, and who are they, i.e., what is meant by the term: Robbers? It is referring to usurers. The Gemara resumes its citation of the baraita: Although they collected the interest, **they must return** it. This is contrary to the ruling of the Tosefta that if robbers and usurers return what they have taken, it is not accepted. The Gemara explains: **Say** that this *baraita* means that they return it, but one does not **accept** it **from them.** The Gemara

asks: But why do they return it if it will not be accepted? The Gemara responds: In order to fulfill their obligation to **Heaven.** In order to fully repent, they must at least offer to return to the debtors the interest they took unlawfully. The Gemara raises a contradiction from another source. **Come** and **hear** the statement of another baraita: With regard to **shepherds** who allow their animals to graze in other people's fields, thereby stealing from the owners; or tax collectors who are hired to collect taxes on behalf of the government and collect excessive sums; or tax collectors who purchase the right to collect taxes themselves and collect unlawfully, their repentance is **difficult,** since they steal from the public. It is difficult for them to find every one of their victims in order to pay them restitution, and they must return what they have stolen to whomever they recognize as victims of their theft. This baraita indicates that thieves do return what they have stolen. The Gemara answers: Say that they return it, but one does not accept it from them. The Gemara asks: But why **do they return** it if it will not be accepted? The Gemara responds: In order **to fulfill** their obligation to **Heaven.** The Gemara asks: **If so,** if

they are not actually obligated to return what they have stolen, why is their repentance difficult? And furthermore, say the latter clause of the *baraita*: **And** as for the money belonging to those that they do not recognize as their victims, they **should use** that money for community needs. And Rav Hisda says: This means providing pits, ditches, and caves, which benefit the general public. This indicates that a thief actually does pay back what he has stolen. Rather, this contradiction must be resolved differently. It is **not difficult: Here**, where the baraita states that he must actually return what he has stolen, it is referring to a time **before the ordinance** for the penitent was instituted. There, where the baraita states that one does not accept the repayment from a robber, it is referring to a time after the ordinance was instituted. The Gemara adds: And now that Rav Nahman says that when the Sages say that he does not return what he has stolen, they refer only to a case where the stolen item does not exist in its initial form, and you can even say that this and that, both baraitot, are referring to a time after **the ordinance** was instituted, **and** it is **not difficult. Here,** the *baraita* that rules that one may accept the

stolen item is referring to a case where the stolen item still exists. **There.** the *baraita* that rules not to accept it even if the robber seeks only to fulfill his obligation to Heaven is referring to a case where the **stolen item does not** still **exist.** The Gemara asks: **But** the incident in which the robber's wife told him that he would have to return even the **belt**, which was the impetus for instituting the ordinance for the penitents, was a case where the **stolen item** still **exists,** in which case the robber would be obligated to return it even after the ordinance was instituted. The Gemara answers: **What** is meant by: Even the **belt?** The **value of the belt,** but the actual belt was no longer in his possession. The Gemara asks: **And** is it so that the Sages did not institute an ordinance for the penitent anywhere that the stolen item still exists? But there is the case of a beam, which is a stolen item that still exists, and we learned in a mishna (Gittin 55a): With regard to a stolen beam that the robber **built into a building**, the Sages instituted **that** the robbery victim **should take its monetary** value and not the actual beam because of the ordinance instituted for the penitent, i.e., so that the penitent not be required to

destroy his house. This indicates that the ordinance instituted for the penitent is in effect even when the stolen item still exists. The Gemara answers: There it is different. Since in that case there is the loss of the entire building, the Sages treat the beam as though it were not in existence.

תוספות על בבא קמא צ"ד ב:ו':א'

בימי רבי נשנית משנה זו - אור"ת דלא לפניו ולא לאחריו אלא לדורו דוקא תקן משום מעשה שהיה ולא לדורות הבאין דהא מעשים בכל יום שמקבלים מן הגזלנים ודנין דיני גזילות כי ההוא דגזל פדנא דתורא לקמן (בבא קמא דף צו:) וההוא נרשאה דגנב סיפרא (לקמן בבא קמא דף קטו.) וההוא רעיא דבפ"ק דב"מ (דף ה.) ונסכא דרבי אבא (ב"ב דף לג:) ואמר נמי באיזהו נשך (ב"מ דף סא:) דרבית קצוצה יוצאה בדיינין ולכך לא פריך לקמן אלא מברייתות דהוה שונה ר' חייא שהיה תלמידו של רבי ולא הקשה ממתני' דקתני משלם כשעת הגזילה לפי שהמשניות היו קודם רבי אלא שרבי סדרם אבל ברייתות היה שונה ר' חייא מה שהיה מוסיף רבי על המשניות ור"י אומר דממתני' לא ה"מ למפרך דלא תקן רבי דאין מקבלים אלא מאותן בני אדם שרוב עסקם ומחייתם בכך והיו ניזונים בגזל ורבית ומתפרנסים בכך כל ימיהם כדקתני הגזלנין ומלוי ברבית דמשמע שאומנותם בכך וכן רועים וכל הנהו דמייתי אבל ממתניתין לא פריך שלא עשו תקנה מלקבל מאדם שגוזל ומלוה ברבית באקראי בעלמא אבל אין לפרש דלהכי לא פריך ממתני' משום דרבי לא תיקן אלא באותם שעשו תשובה וברייתא דמוכח . מינה מיירי בעבד תשובה מדקתני וחייבים להחזיר מפני כבוד אביהם מכ"מ ההיא דגזלנים ומלוי ברבית לא משמע דאיירי

בעבדי תשובה ועוד שכל אדם יכול להערים שיעשה תשובה ויחזור מעצמו ולא יקבלו ממנו וכן ההיא דכל הכלים (שבת דף קכג:) דאמר ר' חנינא בימי נחמיה בן חכליה נשנית משנה זו וההיא דסוף אלו מציאות (ב"מ דף לג:) דקאמר בימי רבי נשנית משנה זו הכל מפרש ר"ת דלא נשנית. אלא לההוא דרא וכן ההיא דהוריות (דף יג:) ואין להאריך:

מאירי על בבא קמא צ"ד ב:ד'

קצת חכמי הצרפתים פרשו שכל אלו שאמרו אין חייבין להחזיר או שאין מקבלין מהם לא נאמר אלא באותו הדור שבו נתקנה זו אבל בשאר הדורות שאחריהם הרי מצינו בתלמוד כמה מעשים שכופין הגזלנין לשלם וחכמי הראשונים פרשו שכל אותם המעשים במי שאינו רוצה לשוב ומה שנאמר כן בשרוצה לשוב אבל כל שאינו שב ברצונו אלא שזה תובעו בבית דין חייב להחזיר והוא מה שאמרו במשנתנו משלם כשעת הגזלה:

שפתי כהן על שולחן ערוך חושן משפט שס"ו:א':א'

אין מקבלין ממנו כו' וכתב בספר חסידים סימן תתרפ"ז דוקא כשהנגזל אין חייב לאחרים אבל אם הנגזל חייב לאחרים ואין לו מה לפרוע יש לקבל כדי שיפרע לבעלים חובות שלו ע"כ:

Gittin 55a:12

§ The mishna teaches that Rabbi Yoḥanan ben Gudgeda further testified **about a stolen beam that was** already **built** into a building and said that the injured party

גיטין נ"ה א:י"ב

...תָנוּ רַבָּנַן: נָזַל מָרִישׁ וּבְנָאוֹ בְּבִירָה – בֵּית שַׁמַאי אוֹמְרִים: מְקַעְקֵעַ כָּל הַבִּירָה כּוּלָה וּמַחְזִיר מָרִישׁ לִבְעָלָיו; וּבֵית הִלֵּל receives the value of the beam but not the beam itself. With regard to this, the Sages taught in a baraita (Tosefta, Bava Kamma 10:5): If **one** robbed another of a beam and built it into a building, Beit Shammai say: He must destroy the entire building and return the beam to its owners. And Beit Hillel say: The injured party receives only the **value of the beam** but not the beam itself, due to an ordinance instituted for the sake of the penitent. In order to encourage repentance, the Sages were lenient and required the robber to return only the value of the beam. The mishna was taught in accordance with the opinion of Beit Hillel.

אוֹמְרִים: אֵין לוֹ אֶלָּא דְּמֵי מָרִישׁ בִּלְבַד, מִשׁוּם תַּקָנַת הַשָּׁבִין.

Bava Kamma 93b:1

robs another of wood and fashions it into vessels, or one who robs another of wool and fashions it into garments, he pays the robbery victim according to the value of the goods at the time of the robbery, but he need not return the vessels or garments. He has acquired the stolen items because they had undergone a change.

בבא קמא צ"ג ב:א'

מַתְנִי' **הַגּוֹזל** עֵצִים וַעֲשָׂאָן כֵּלִים, צֶמֶר וַעֲשָׂאָן בְּגָדִים – מְשַׁלֵּם כִּשְׁעַת הַגְּזֵלָה.

Bava Kamma 94b:2

...Rabbi Hiyya bar Abba says that Rabbi Yohanan says: By Torah law, a stolen item that has changed is returned as is, as it is stated: "And he shall restore that which he took by robbery" (Leviticus 5:23). This indicates that he shall return it in any case, even if it has been changed. And if you say: In our mishna it is stated that if the stolen item is changed the robber gives monetary compensation rather than returning the item, that policy was instituted by the Sages due to the ordinance instituted for the penitent.

בבא קמא צ"ד ב:ב'

אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: דְּבַר תּוֹרָה – נְּזֵילָה הַנִּשְׁתַּנֵּית, חוֹזֶרֶת בְּעֵינֶיהָ. שֶׁנֶּאֱמַר: "וְהֵשִׁיב אֶת הַנְּזֵלָה אֲשֶׁר נָּזָל" – מִכָּל מָקוֹם. וְאִם תֹּאמַר: מִשְׁנָתֵנוּ! מִשׁוּם תַּקְנַת הַשָּׁבִים.

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