



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

Bava Kamma Daf Hey

- **Q:** The Tanna of our Mishna states a number (4) to exclude the additional cases taught by **R' Oshaya**. **R' Oshaya** stated a number (13) to exclude the additional cases taught by **R' Chiya**. Why did **R' Chiya** state a number (24)? What cases did he mean to exclude? **A:** He meant to exclude the cases of a "moser" (an informant) and of a Kohen who makes a korbon "pigul" (which then requires the person to have to bring another korbon).
 - **Q:** Why doesn't he list these cases as well? We can say that he didn't list piggul because he wasn't discussing kodashim, but why doesn't he list the case of moser? **A:** Moser is a damage done through speaking, and he doesn't list such damagers.
 - **Q:** The case of the defamer is damage done through speaking, and yet he lists it!? **A:** There is also an act of bi'ah done there, so it is not solely speaking.
 - **Q:** The case of eidem zomemim is done solely through speaking, and yet he mentions that!? **A:** Although no act is done there, the pasuk refers to it as an act ("kasher zamam laasos l'achiv").
 - **Q:** We have explained that the list of avos in our Mishna means that there are toldos as well. What are the toldos of the additional cases of avos listed by **R' Oshaya** and **R' Chiya**? **A:** **R' Avahu** said, they are referred to as avos in the respect that they are like avos in that if the damager wants to pay with land, he must pay from his best land. This is learned from a gezeirah shava from all these cases, on the words "tachas", "nesinah", "yishalem", and "kesef".

LO HAREI HASHOR KIHAREI HAMAVEH

- **R' Zvid in the name of Rava** explained, the Mishna is saying, maybe the Torah could have just written one of these and we could then learn the others out from it? The Mishna then says, we would not be able to learn out one from one.

V'LO ZEH V'ZEH SHEYEISH BAHEN RUACH CHAIM

- **R' Mesharshiya in the name of Rava** said, the Mishna is saying, maybe the Torah could have written two of the avos (shor and maveh) and we could have learned the others from these two? The Mishna then says, we could not have learned the other avos from the two either.
- **Rava** said, in truth, the Torah could have written the av of bor along with any of the other avos, and with a tzad hashava (common characteristic) we could have learned out all the other avos damagers except for keren. Keren could not be learned out, because we would always be able to ask that maybe a person is chayuv by the other avos because they are a muad from the start, but keren, which is first a tam and then a muad, is different and therefore cannot be learned out from the others. According to the view that given the fact that by keren there is intent to damage, it is considered a more stringent damager than the others, even keren could have been learned from a tzad hashava of bor and any one of the other damagers. If so, why did the Torah write each av in the pasuk? Each one was written to teach a halacha that is unique to that av.
 - Keren was written to teach about the halachos of tam and muad.
 - Shein and regel were written to teach that they are patur when done in the reshus harabim.
 - Bor was written to teach that the person would not be chayuv for keilim that were damaged in the bor. According to **R' Yehuda**, who says that he would be chayuv for the keilim, bor was written to teach that one would not be chayuv for a person that was damaged in the bor.
 - The person who himself damages was written to teach that he is chayuv to pay for pain, healing, unemployment, and embarrassment.
 - Fire was written to teach that the person is patur from paying for items that were hidden in the stack of produce that he burned. According to **R' Yehuda**, who says that

he would be chayuv for the hidden items, fire was written to teach that the person is even chayuv for damaging a plowed field (the fire hardens it and it needs to be plowed again), and for blackening the stones of another person.