



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

Bava Kamma Daf Nun Daled

NAFAL L'TOCHO SHOR V'KEILAV V'NISHTABRU...

- Our Mishna does not follow **R' Yehuda**, who says in a Braisa that the owner of a bor is chayuv for damage done to keilim.
 - The **Rabanan** who say that bor is patur for damage to keilim darshen the pasuk of "v'nafal shama shor oy chamor" to teach "shor" but not damage to a person, and "chamor" but not damage to keilim. **R' Yehuda** says the word "oy" comes to include damage done to keilim. The **Rabanan** say "oy" is needed to separate and teach that the bor need not damage an ox *and* a donkey to be chayuv. **R' Yehuda** says the word "nafal" is singular, and therefore "oy" is not needed for that. The **Rabanan** say "v'nafal" can refer to many instances of falling.
 - **Q:** Why don't we say that "v'nafal" is a klal, and "shor and chamor" are a prat, and therefore say that the only thing included in the halacha is the prat of an ox or a donkey, but nothing else!? **A:** The words "baal habor yishalem" is another klal, which therefore makes a "kla, prat uklal", in which case anything similar to the prat is included in the klal, and just like an ox and donkey are living beings, anything that is a living being will be included in the klal.
 - **Q:** We should say that just like an ox and donkey are animals whose carcasses give off tumah by touching and by carrying, so too only such living beings should be included, which would exclude birds from the klal? **A:** If that was true, the pasuk should have only given one example of a prat. The extra prat therefore teaches that even birds are included as well.
 - **Q:** Neither of these two examples in the pasuk are extra. If it would only have said an ox, we would say that only things that can go on the Mizbe'ach are included, and if it would only say a donkey we would say that only animals whose firstborns have kedusha are included. Therefore, both are needed and cannot come to include birds, so how do we know to include even birds as well!? **A:** The pasuk of "v'hameis yihiyeh lo" teaches that anything that can die is included in the pasuk.
 - **Q:** Keilim cannot die, so why do the **Rabanan** need a pasuk to exclude it, and how does **R' Yehuda** actually include it in the klal? **A:** The breaking of a keili is considered its "death".
 - **Q:** According to **Rav**, who says one is only chayuv for bor when the bad air is what causes the death, a keili is not affected by bad air, so why do the **Rabanan** need a pasuk to exclude it, and how does **R' Yehuda** actually include it in the klal? **A:** The pasuk is discussing new earthenware keilim, which can break when exposed to bad air.
 - **Q:** This pasuk is used by **Rava** for a different drasha of bor!? **A:** The pasuk of "kesef yashiv l'baalav" teaches that a bor is chayuv for anything that has an owner.
 - **Q:** If so, bor should be chayuv for damage to a person and keilim as well!? **A:** The drasha of "shor" and not a person, and "chamor" and not keilim" teaches that bor is patur.
 - **Q:** According to **R' Yehuda**, what does the word "chamor" come to teach? **A:** **Rava** said, the word "chamor" according to **R' Yehuda**, and the word "seh" written regarding lost items according to everybody, are difficult to explain.

NAFAL L'TOCHO SHOR CHEIREISH SHOTEH V'KATAN CHAYUV

- **Q:** What does this mean? If it means the ox belonging to a cheireish, etc., this would suggest that if the ox of a regular person falls into a bor the owner of the bor would be patur!? **A: R' Yochanan** said, the Mishna is referring to an ox that is a cheireish, etc.
 - **Q:** This would mean that if the ox that is not a cheireish, etc., the bor would be patur!? **A: R' Yirmiya** said, the Mishna means to say, not only if the ox is a regular, healthy ox would the bor be chayuv, rather even if it is a cheireish, etc., where one can say that his deficiency attributed to his falling into the bor, still, the bor is chayuv.
 - **Q: R' Acha** asked **Ravina**, a Braisa says that if an “intelligent one” fell into a bor, the bor is patur. Presumably this refers to an ox that is not deficient!? **A:** He said, this refers to a person, and the category of people are referred to as the “intelligent one”.
 - **Q:** A Braisa says if an ox that is intelligent falls in the bor, it is patur!? **A: Rava** said, bor is only chayuv when a deficient animal falls in, but if an intelligent animals falls in it would be patur, because the animal should have looked where he was going. In fact, a Braisa says this as well.

MISHNA

- The halachos apply to an ox and to any beheima, with regard to the halachos of bor, of separating from Har Sinai by the giving of the Torah, for the paying of “keifel” if one steals them, with regard to returning them if they are found to be lost, with regard to the mitzvah of unloading an animal, with regard to the issur of putting a muzzle on an animal, with regard to kilayim, and with regard to not doing work with them on Shabbos. The same applies to chayos and birds as well. If so, why does the Torah specify “shor” and “chamor” in many of these instances? Only because that is the typical case.

GEMARA

- We learn that each of these halachos apply to all animals and birds, as follows:
 - Bor – from “kesef yashiv l'baalav”.
 - Separation by Har Sinai – “ihm beheimah ihm ish”, and a chaya is included in the term “beheimah”, and “ihm” comes to include birds.
 - For “keifel” payment – “ahl kol dvar pasha” comes to include anything that is stolen.
 - For “hashavas aveidah” – “l'chol aveidas achicha” comes to include everything.
 - For the mitzvah of unloading an animal – we learn a gezeirah shava from Shabbos on the word “chamor”.
 - For the issur of using a muzzle – we learn a gezeirah shava from Shabbos on the word “shor”.
 - For the issur of klayim – for the klayim of plowing with two different species of animals, we learn it with a gezeirah shava from Shabbos on the word “shor”. For the kilayim of mating animals of different species, we learn it from a gezeira shava from Shabbos on the word “bihemticha”.
 - For Shabbos – a Braisa says, **R' Yose in the name of R' Yishmael** said, in the first Aseres Hadibros it only says “bihemticha”. In the second set of Aseres Hadibros it says “shorcha, chamorcha, v'chol bihemticha”. Now ox and donkey are already included in “animals”. They are singled out to teach that just like “ox and donkey” mentioned here include chayos and birds, so too all laws that mention them include chayos and birds as well.
 - **Q:** Maybe we should say that “biheima” of the first Dibros is a klal, “shor and chamor” of the second Dibros is a prat, and should therefore teach that only an ox and donkey are included in these halachos!? **A:** The words “v'chol bihemticha” of the second Dibros is another klal, which makes a klal, prat, uklal, and teaches that all living creatures are included.
 - **Q:** We should say that just like an ox and donkey are animals whose carcasses give off tumah by touching and by carrying, so too only such living beings should be included, which would exclude birds from the klal? **A:** If that was true, the pasuk should have only given one example of a prat. The extra prat therefore teaches that even birds are included as well.

- **Q:** Neither of these two examples in the pasuk are extra. If it would only have said an ox, we would say that only things that can go on the Mizbe'ach are included, and if it would only say a donkey we would say that only animals whose firstborns have kedusha are included. Therefore, both are needed and cannot come to include birds, so how do we know to include even birds as well!? **A:** The words "*v'chol bihemticha*" is an inclusionary term, which includes all the other types of animals.

 - **Q:** We find that "kol" is used as a klal uprat uklal, and not as an inclusionary term (as is taught regarding maaser in a Braisa), so how do we say it is inclusionary here!? **A:** The word "b'chol" (which is what it says regarding maaser) is a klal, but the word "kol" (as stated regarding Shabbos) is simply an inclusionary word. **A:** Even if "kol" is normally a klal, in this case, since the second Dibros added the word "kol" (which is not stated in the first Dibros), it can be darshened as being an inclusionary term.
 - **Q:** Now that we say "kol" in an inclusionary term, what do the "bihemticha" of the first Dibros and the "shor and chamor" of the second Dibros come to teach? **A:** They are used for the gezeira shavas listed above.
 - **Q:** If the issur of klayim is learned from Shabbos, then just as a person may not work on Shabbos, a person should be included in the issur of klayim and should not be allowed to pull a plow along with an animal, and yet a Mishna says that he may!? **A:** **R' Pappa** said that **R' Acha bar Yaakov** said, the pasuk of "l'maan yanuach avdicha va'amascha kamocho" teaches that slaves (people) are compared to animals only with regard to resting on Shabbos, and not with regard to other halachos (like klayim).