



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

Bava Kamma Daf Samach Gimme!

- **Q:** The Gemara initially darshened a klal, prat, uklal, and then said that the word “kol”, which was used as the first klal, should instead be understood as an inclusionary term. The Gemara now asks, 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 keifel) is simply an inclusionary word. **A2:** Even if “kol” is normally a klal, in this case it is not, because we already have pesukim to darshen a klal, prat, uklal regarding keifel. Therefore, this word “ahl kol dvar pasha” must be written as an inclusionary term.
 - **Q:** Now that we have established that “kol” comes to include all items, what does each example in the pasuk (ox, donkey, sheep, garment) come to exclude? **A:** One excludes land, one excludes slaves, one excludes documents, and “garment” excludes any item that does not have a “siman”. The words “ahl kol aveidah” are needed for the drasha of **R' Chiya bar Abba**, who said in the name of **R' Yochanan**, that if a shomer aveidah falsely claims that the found item was stolen from him, he must also pay keifel to the owner.
- A Mishna says, if a person gave an item to a shomer chinam, and asked the shomer “where is the item I gave for you to watch?”, and the shomer said “I lost it” (which would make him patur from having to pay), and the owner says “I hereby make you swear that you truly lost it” and the shomer says “Amen” (which makes it as if he made the oath), and witnesses then testify that the shomer ate or used the item, the shomer must pay for the principal value. If the shomer admitted on his own that he swore falsely, he must pay for the principal, for an additional fifth, and he must bring an asham. If, when the owner asked him for the item the shomer responded “it was stolen from me”, and the owner says “I hereby make you swear that it was stolen” and the shomer says “Amen” (which makes it as if he made the oath), and witnesses then testify that the shomer ate or used the item, the shomer must pay keifel. If the shomer admitted on his own that he swore falsely, he must pay for the principal, for an additional fifth, and he must bring an asham.
 - **Q:** We see from the Mishna that the shomer only pays keifel when he claims it was stolen from him, and not when he claims to have lost it. Moreover, even if he claims it was stolen, it seems that he will only pay keifel if he had sworn falsely. How do we know these halachos? **A:** A Braisa says, the pasuk regarding a shomer claiming that the item was stolen says “ihm yimatzei haganav”. This refers to the shomer who claims the item was stolen when in fact he kept it for himself. You will suggest that maybe this is referring to a case when the item was actually stolen, but that cannot be, because the pasuk later says, “if the ganav is not found” he must pay keifel, which certainly refers to the case of when the shomer made a false claim that the item was stolen. There is another Braisa that says, “ihm yimatze haganav” refers to a case of when it was actually stolen. You will suggest that maybe this is referring to a case of where the item was not actually stolen, but that cannot be, because the pasuk later says, “if the ganav is not found” he must pay keifel, which certainly refers to the case of when the shomer made a false claim that the item was stolen. Therefore, it must be that the earlier pasuk is referring to where it was actually stolen. We see that both Braisos hold that later in the pasuk the case being discussed is when the shomer makes a claim that the item was stolen (although it was not) and the shomer must pay keifel.
 - **Q:** How do we know this only applies when he swore? **A:** The pasuk says “the owner shall bring the shomer to Beis Din”. We learn from a gezeira shava that this refers to his making an oath.

- **Q:** According to the second Braisa it makes sense why both pesukim are needed – one to discuss a case of an actual ganav, and one to discuss the case of a false claim of ganav. However, according to the first Braisa (where both refer to a false claim of ganav) why are 2 pesukim needed? **A:** One is needed to teach that if the shomer makes a false claim that the item was lost, he will not have to pay keifel.
 - **Q:** How will the other Braisa learn this? **A:** The pasuk could have said “ganav” and instead says “haganav”, which teaches this halacha.
 - **Q:** How will the Tanna of the other Braisa darshen the word “haganav”? **A:** He uses it for the drasha of **R’ Chiya bar Abba in the name of R’ Yochanan**, who says that a shomer who falsely claims it was stolen is subject to the halachos of keifel *and* to the halachos of daled v’hey.
 - **Q:** How will the Tanna of the second Braisa learn this? **A:** He will say, the pasuk discussing a true ganav and the pasuk discussing the shomer who made a false claim of ganav are right next to each other, which creates a hekesh between the two, teaching that all halachos of a ganav apply, and we may not refute a hekesh.
 - **Q:** According to the first Braisa, how do we know there is a halacha of keifel by a regular ganav? It can’t be learned from a kal v’chomer from a shomer, because then we should require the ganav to swear like the shomer, under the principle of “dayo”!? **A:** We learn that a regular ganav must pay keifel from the Braisa taught by **Chizkiya**. The Braisa says, the pasuk says “ihm himatzei timatzei biyado hagneiva mishor ahd chamor ahd seh chayim shnayim yishalem”. The pasuk could have just said “shor” and “gneiva” and we could have learned all other items from that? The Braisa says, if it would only say those 2, we would say that just as an ox is valid for a korbon, so too only other items valid for a korbon, which would have included a sheep. From the fact that the pasuk explicitly said “sheep”, the pasuk must come to include all items. If so, why didn’t the pasuk just say ox, sheep, and gneivah? We would think that only animals whose firstborn become kadosh are included. From the fact that the pasuk explicitly says “donkey”, the pasuk must come to include all items. If so, why didn’t the pasuk just say ox, sheep, donkey and gneivah? We would think that only animals are included. From the fact that the pasuk explicitly says “chayim”, the pasuk must come to include all items. This Braisa serves as the source for keifel payment by a regular ganav.