



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

### Bava Kamma Daf Ayin Zayin

- **R' Yochanan** explained that **R' Shimon** in the Mishna is talking about a case where the ganav shechted the korbán in the Azarah not for the sake of the owner. **Reish Lakish** said the case is where the animal had a mum, and he shechted it outside the Azarah.
  - **Q:** It is understandable why **R' Yochanan** didn't say like **Reish Lakish**, because he wanted to explain the Mishna as even discussing a case of animals without a mum. However, why didn't **Reish Lakish** explain like **R' Yochanan**? **A:** He holds that the pasuk teaches that one is only chayuv for shechting in a situation in which he would be chayuv for selling. Since if he sells a korbán that has no mum the sale would not be a valid sale (and he would not be chayuv for it), he would also not be chayuv for shechting a korbán that had no mum.
    - They follow their views elsewhere. We find that regarding a sale by a ganav of a treifah according to **R' Shimon** (who holds that a shechita would not make him chayuv in daled v'hey, because the shechita of a treifa is not a valid shechita), **R' Yochanan** says he would be chayuv for daled v'hey, because the obligation for selling is not connected to the obligation for shechting. **Reish Lakish** says he would be patur for selling a treifah, because the obligation for selling *is* connected to the obligation for shechting.
    - **Q:** **R' Yochanan** asked **Reish Lakish**, a Braisa says, if a ganav steals an animal of klayim and shechts it, or steals a treifah and sells it, he is chayuv to pay daled v'hey. Now, presumably this follows **R' Shimon**, and we see that the obligation for selling is not connected to the obligation for shechting!? **A:** **Reish Lakish** said, the Braisa follows the **Rabanan**, not **R' Shimon**.
      - **Q:** If it follows the **Rabanan**, why does the Braisa say there is an obligation for the selling of a treifah, which suggests that there is no obligation for the shechting of a treifah? **A:** If you say the Braisa follows **R' Shimon**, you would have the same question – why does the Braisa only discuss shechting of an animal of klayim, and not selling? You would answer that we mention shechita but mean to include selling as well. We can answer the same thing according to the **Rabanan**, that regarding a treifah we mention selling, but mean to include shechita as well.
        - **R' Yochanan** would say, if you say the Braisa follows **R' Shimon**, since only selling applies to a treifah, the Braisa similarly only mentions one act – shechita – regarding klayim. However, if you hold that the Braisa follows the **Rabanan**, the Braisa should list them both together and say – if the ganav stole a klayim or a treifah and then shechted or sold them he is chayuv!? This is difficult to understand according to **Reish Lakish**.
      - **Q:** Why would one be chayuv daled v'hey for shechting klayim? The pasuk says the word “seh”, and **Rava** has said that wherever the pasuk uses the word “seh” it comes to exclude klayim!? **A:** The pasuk says “oy”, which comes to include klayim.
        - **Q:** We find in a Braisa regarding kodashim that the word “oy” comes to *exclude*, and not to *include*!? **A:** **Rava** said, it depends on the context of the pasuk. Regarding daled v'hey, where the pasuk says “shor oy seh” (an ox and a sheep) which can't produce a klayim animal, the word “oy” comes to include

klayim. Regarding kodashim the pasuk says “kesev oy eiz”, which can produce an animal of klayim, and therefore the word “oy” comes to exclude klayim.

- **Q:** Regarding kodashim there is also a pasuk that says “shor oy kesev”, which can’t produce klayim together, and we therefore should say that the “oy” comes to include klayim!? **A:** Since the end of that pasuk (“kesev oy eiz”) comes to exclude, the first part of the pasuk must come to exclude as well.
  - **Q:** Maybe we should say that since the first part of the pasuk comes to include, the second part of the pasuk should come to include as well!? **A:** There is a reason to say that two exclusions are necessary – one to exclude klayim, and one to exclude an animal that looks like a species of animal different than its mother. There is no reason to need two inclusions – if klayim is included, surely the animal that doesn’t look like its mother is included. Therefore, it must be that both pesukim are exclusions.