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Bava Kamma Daf 55

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

“Tov” -- “Good”

Rabbi Chanina ben Agil asked Rabbi Chiya bar Abba: Why do the first Commandments not have the word “good” in it, and the second Commandments do have the word “good” in it?

He replied: Before asking me why it says “good,” ask me if it says “good,” as I don’t know whether it says this or not. Go ask Rabbi Tanchum bar Chanilai, who used to learn from Rabbi Yehoshua ben Levi, who was an expert in Aggadic teachings.

When he went to Rabbi Tanchum, Rabbi Tanchum said: I did not hear anything from Rabbi Yehoshua ben Levi about this matter. However, Shmuel bar Nachum, the uncle of Rabbi Acha bar Rabbi Chanina, and some say the maternal grandfather of Rabbi Acha bar Rabbi Chanina, said: Being that the first ones were going to be broken (*by Moshe, they did not contain the word “good”*).

The *Gemora* asks: Why is this a reason that they should not contain the word “good”?

Rav Ashi said: Heaven forbid, this would mean that goodness would stop for the Jewish people. (54b – 55a)

The Letter “Tes”

Rabbi Yehoshua said: If someone sees the letter “tes” in his dream, it is a good sign for him.

The *Gemora* asks: Why is this true? If it is because this is the first letter of the word “tov” -- “good,” another verse says

“And I will sweep it clear (*v’teteisiha*) with the broom of destruction?” [*These words contain the letter “tes” multiple times, and indicate bad things.*]

The *Gemora* answers: If a person sees only one “tes,” it is a good sign.

The *Gemora* asks: What about the verse, “her impurity (*tumasah*) is underneath her” (*and this word also contains a “tes”*)?

The *Gemora* answers: Rabbi Yehoshua was referring to someone who sees both the letters “tes” and “beis” (*which are both in the word “good”*).

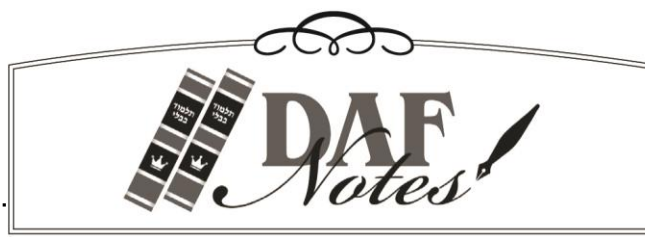
The *Gemora* asks: What about the verse, “Her gates have sunk (*“ta’vu,”* which also contains both a tes and beis) in the ground?”

The *Gemora* answers: Rather, it is because the first “tes” in the Torah is found in the word “tov,” as from the beginning of Bereishis until the verse, “And God saw the light that it was good,” the letter “tes” was not used, therefore, the letter “tes” by itself signifies good.

Rabbi Yehoshua ben Levi said: If someone sees the word “hesped” -- “eulogy” in his dream, he has been redeemed in Heaven from tragedy. But this only applies if he sees the word in writing (*not an actual eulogy*). (55a)

Kilayim

The *Mishna* had stated that the same (*regarding the prohibition of kilayim*) applies to wild animals and birds.



Rish Lakish said: Rebbe taught us that chickens, peacocks, and a partridge are *kilayim* (it is forbidden to breed them together).

The *Gemora* asks: Isn't this obvious?

Rav Chanina answers: This is necessary to teach because they live together. One might think that this indicates that they are all really from the same species. This is why Rish Lakish taught otherwise.

Shmuel says: Geese and wild geese are *kilayim*.

Rava bar Rav Chanan asked: Why? If it is because one has a long beak and one has a short beak, then a Persian and an Arabian camel should be *kilayim*, as one has a long neck and one has a short neck?

Abaye answers: The testicles of wild geese are recognizable from the outside, while those of regular geese are only recognizable from the inside.

Rav Pappa answers: Wild geese lay one egg at a time, while regular geese lay many eggs at a time.

Rabbi Yirmiyah said in the name of Rish Lakish: If someone breeds together two species from the sea, he receives lashes.

Why? Rav Adda bar Ahavah said in the name of Ulla: This is because we apply a *gezeirah shavah* using the words "*I'mineihu*" -- "according to their species," which is said by both land animals and species found in the sea.

Rachba inquired: If someone hitched a goat and a *shibutta* (a large fish) to a wagon (on the bank of a river, where the fish is swimming in the water and the goat is walking on the shore), what is the law? Do we say that because a goat does not go into the ocean and a *shibutta* will not go on land, this

is not *kilayim*? Or do we say that both are pulling the wagon at his command, and he is therefore transgressing *kilayim*?

Ravina asked: If this would be *kilayim*, then if someone put wheat and barley in his hand, and he planted wheat in *Eretz Yisroel* and barley outside of *Eretz Yisroel*, would it be considered *kilayim* (when the prohibition is applicable only in *Eretz Yisroel*)?

The *Gemora* answers: This is different, as the prohibition of (this type of) *kilayim* only applies in *Eretz Yisroel*, while it does not apply outside of *Eretz Yisroel*. However, in the case of the goat and *shibutta*, both places (ocean and land) are places that are subject to the laws of *kilayim*! (55a)

WE SHALL RETURN TO YOU,
SHOR SHENAGACH ES HAPARAH

Mishna

If someone put his sheep in a pen and locked it in the proper manner, and the sheep went out and damaged anyway, he is exempt from paying for their damages. If he did not lock it appropriately and they went out and damaged, he is liable to pay for their damages. If the pen broke during the night or robbers broke in, and the sheep subsequently went out and caused damage, he is exempt. If the robbers took the sheep out, they are liable for the damage. If he left the sheep in the sun, or he gave them to a deaf-mute, a deranged person or a minor, and they went and damaged, he is liable. If he gave them to a shepherd to watch, the shepherd becomes responsible.

If it fell into a garden and benefitted from it, he must pay for what it benefitted. If it went down to the garden in its usual manner and it damaged, he must pay for what it damaged.

How do we evaluate the payment for "what it damaged"? We evaluate how much a *beis se'ah* in that field was worth (before the damage occurred), and how much it is worth now, and the difference in value must be paid. Rabbi Shimon



says: If it ate ripe produce, he must pay for ripe produce; if it was a *se'ah*, he pays a *se'ah*, and if it was two *se'ahs*, he pays for two. (55b)

Lesser Level of Guarding

The *Gemora* cites a *braisa*: What is appropriate and inappropriate (*measures for locking up the pen*)? A door that can withstand a normal wind is considered appropriate, but a door that cannot is not.

Rabbi Mani bar Patish says: Who is the *Tanna* who holds that a *mu'ad* only requires below average guarding? [*This is how our Mishna seemingly holds, as a sheep is a mu'ad when it comes to damages of shein and regel.*] It is Rabbi Yehudah, as we learned in a *Mishna*: If the owners of an ox tied it with its reins or he locked it up appropriately, and then it went out and damaged, whether it is a *tam* or *mu'ad*, he is liable; these are the words of Rabbi Meir. Rabbi Yehudah says: If it is a *tam*, he is liable, but if it is a *mu'ad*, he is exempt. This is as the verse states regarding a *mu'ad*, "And its owners will not watch it," and this *mu'ad* is watched! Rabbi Elozar says: It can only be considered guarded with a (*slaughtering*) knife.

The *Gemora* states: Our *Mishna* could even be according to Rabbi Meir. "*Shein*" -- "teeth" and "*regel*" -- "feet" are different, as the Torah lessened the amount one has to guard his animals from doing such damage. [*Rabbi Meir was only referring to the damage of "keren" – goring.*] This is as Rabbi Elozar, and some say a *braisa*, states: The Torah lessened the amount of guarding one must do for four things (*to not be liable for their damage*). They are: a pit, fire, *shein* and *regel*. This is evident by a pit, as the verse states, "When a person will open a pit or dig a pit and not cover it." This implies that if he just covers it, he is exempt. Regarding fire the verse states, "He will pay, the one who lit the fire." This implies he only pays if he lit the fire and was negligent. Regarding *shein*, the verse says, "And he will destroy in someone else's field," similarly implying negligence.

Regarding *regel*, the verse states, "And he will send," implying that he sent the animal (*negligently*).

The *braisa* states: "And he will send," this is damaging through its feet. The verse also states, "The ones who send the feet of the ox and the donkey." "And he will destroy," refers to teeth. Similarly, the verse says, "As the tooth destroys food until it is finished." This all implies that one is only liable if *shein* and *regel* is through negligence. [*Rabbi Meir was only talking about guarding goring oxen, not shein and regel, and therefore could hold like our Mishna.*]

Rabbah says: We can also prove this from our *Mishna*, which discusses sheep. Why did it stop discussing oxen, which we have been discussing all along, and start discussing sheep? It must be because the Torah lessened the amount of guarding one must do, and this exemption is not stated by *keren*, and is only stated by *shein* and *regel*. (55b)

Indirect

The *braisa* states: Rabbi Yehoshua says that there are four things which a person does where he is exempt from liability under the laws of *Beis Din*, but for which he is liable under the laws of Heaven. They are: Someone who breaks down a fence that is in front of his friend's animal (*and consequently, the animal escaped*), one who bends his friends stalks towards a fire, one who hires false witnesses to testify, and one who knows testimony for his friend and does not testify. (55b)

DAILY MASHAL

"Tov" in the Luchos

Rabbi Chanina ben Agil asked Rabbi Chiya bar Abba: Why do the first Commandments not have the word “good” in it, and the second Commandments do have the word “good” in it?

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The *Gemora* asks: Why is this a reason that they should not contain the word “good”?

Rav Ashi said: Heaven forbid, this would mean that goodness would stop for the Jewish people.

Rashi explains that the *Gemora* is making reference to the term “*tov*” in the *mitzvah* of honoring one’s father and mother.

The Maharatz Chayus is bothered by the very difficult question: How is it that the *Tannaim* were not familiar with the text of the Ten Commandments, until it was confirmed by Rabbi Tanchum? Although Tosfos in Bava Basra writes that there were some who were not fluent in the Scriptural verses, it seems strange to say that they didn’t know the *Aseres Hadibros*!?

The Maharatz Chayus suggests that the discussion was whether the *Aseres Hadibros* that are recorded in Parshas Yisro was the text on the first set of *luchos*, and the *Aseres Hadibros* in V’eshchanan are the second set of *luchos*. Rabbi Tanchum had a tradition that it was in fact the case, to which

the *Gemora* finally explains that it now makes sense that the *luchos* which were to be broken didn’t contain the term “*tov*.”

The Torah Temima (Devorim 5:16) offers another approach. The *Gemora* is making reference to a Medrash where Hashem says to Moshe that He is going to give a second set of *luchos*, to which Moshe reacts with joy by saying “*Tov li toras pichah me’alfei zahav v’chasef*” – Torah is more precious to me than thousands of gold and silver.

Why did he only express this happiness by the second *luchos*, and not the first? On that the *Gemora* explains that since they would be broken, it would be inappropriate to say that about the first set of *luchos*.

However, based on the conventional understanding of the *Gemora*, it certainly seems to indicate that the *Aseres Hadibros* of Yisro were the first *luchos*, and V’eshchanan the second. Based on this, we can make another observation. In the second *luchos*, by *Shabbos* and honoring one’s father and mother, it says “*like Hashem your God commanded you*,” which Rashi interprets as a reference back to *Marah* where the water was bitter. Why is this reference specifically in the second *luchos* and not the first?

The Chasam Sofer in Parshas Beshalach explains that Hashem taught us in *Marah* that he is our personal doctor – “*ki ani Hashem rof’echah*.” Unlike a physician who just heals the sick, Hashem is our “family doctor” who is just as interested in providing us with preventive medicine as He is with remedies for illness. In the second *luchos*, Hashem wanted to remind *Klal Yisroel* that committing transgressions (*such as the golden calf*) forces Him to bring upon us illnesses, and then He demonstrates to us that He has the power to heal. He much prefers avoiding illness in the first place by our commitment to His Torah.