

## 20.1.03

(האי תנא ירושלמי הוא דתני לישנא קלילא) 6b → (לא הרי השור) 5a

- I Justification of listing of all אבות in the תורה (explanation of לא הרי)
- a *Meaning of clause #1*: we could not infer any one from any other single one
  - b *Meaning of clause #2*: we could not infer any one from any of the other two:
    - i *However*: if we throw בור into the mix, all could be inferred (from בור and any other) except for קרן
      - 1 *Reason*: קרן doesn't start out מועד
      - 2 *But if*: we emphasize the perspective of קרן that it is intentional damage – it is also inferred from בור+1
    - ii *Therefore*: each was written for its unique consequences:
      - 1 קרן: to distinguish between תם/מועד
      - 2 רה"ר: to exempt damages in שן ורגל
      - 3 בור: to exempt כלים (if they fall in and are damaged - owner of בור not liable)
        - (a) *Note*: לר' יהודה: who finds the owner liable in such a case –exempts אדם (if a person falls in and is hurt)
      - 4 אדם: to obligate him to pay the four (extra) payments (בשות, צער, רפוי, שבת)
      - 5 אש: to exempt for נזקי טמון (damages to buried items)
        - (a) *Note*: לר' יהודה: who finds the igniter liable for נזקי טמון – to exempt a case where the fire singed the furrow
- II Analysis of the additional phrase הצד השווה שבהן and what it comes to include:
- a אביי: a knife (e.g.) let he left atop a roof that fell due to a usual wind and damaged
    - i *Case*: must be that they damaged after falling and the owner relinquished ownership (הפקר)
      - 1 *Argument*: unlike בור, in that other force (wind) is involved; אש counters, as it has that נח אחר
        - (a) *Counter*: אש typically moves to damage – בור counters – וחזור הדין...
  - b רבא: a moving בור (e.g. a rock that only damaged after being kicked to another place) in the public domain
    - i *Case*: must be that the owner relinquished ownership (הפקר)
      - 1 *Argument*: unlike בור, in that his own actions didn't generate the נזק; שור counters, as it also wasn't לו מעשיו גרמו
        - (a) *Counter*: שור typically moves to damage – בור counters – וחזור הדין...
  - c אדא בר אבהו: ר' אדא בר אבהו: refuse from sewers and caves (even if allowed to do so)
    - i *Case*: must be that they damaged after coming to rest and the owner relinquished ownership (הפקר)
      - 1 *Argument*: unlike בור, which he had no right to dig; שור counters, as he had the right to walk it in רה"ר
        - (a) *Counter*: שור typically moves to damage – בור counters – וחזור הדין...
  - d רבינא: a tree or fence that fell and damaged after the time that ב"ד assigned him to remove it
    - i *Case*: must be that the owner relinquished ownership (הפקר)
      - 1 *Argument*: unlike בור, which is a נזק from its inception; שור counters, as it isn't a מזיק from birth
        - (a) *Counter*: שור typically moves to damage – בור counters – וחזור הדין...
- III Analysis of the beginning of the final phrase – חב המזיק
- a Rhetorical note: our תנא is a ירושלמי, who uses abbreviated language ("חב" should be "חייב")