

וקתני היזק דלא מינכרא –

And he mentions a damage which is not apparent

Overview

The גמרא reasons that ר"ה can maintain היזק שאינו ניכר שמיא היזק and nevertheless he mentions מטמא מדמע ומנסך to teach us that there is a different type of היזק, namely a היזק שאינו ניכר. The obvious question is that to teach us a היזק שאינו ניכר one of the three would suffice, why is ר"ה mentioning all three¹?!

anticipates a difficulty and resolves it:

והא דקתני שלשה גוויי לפי שהם שנויין בפ' הניזקין (שם נב,ב) –

And the reason he mentions three types of היזק שאינו ניכר (which are מטמא (מדמע ומנסך), when seemingly any one would suffice; **it is because all three of them are taught in the משנה in פרק הנזקין**.

will offer a proof that it is proper to mention duplicate אבות if they are mentioned elsewhere in a משנה:

כדקתני שומר חנם והשואל נושא שכר והשוכר דקתני גוויי טובא:

Just as ר"ה taught where he mentions many types, because they are enumerated in the משנה²; here too by היזק שאינו ניכר he also mentions the three types that are enumerated in the משנה.

Summary

It is appropriate to mention various types of היזק (even if they are similar) if these various types are mentioned in a משנה.

Thinking it over

Seemingly the comparison of מטמא ומדמע ומנסך to the שומרים ד' is not clear. By the שומרים ד' there are different laws governing the various שומרים (that is why he mentions all of them); however by מטמא מדמע ומנסך the same law applies to all. The question remains why does he mention all three?³

¹ If we maintain that היזק שאינו ניכר לא שמיא היזק and one is מחייב for מטמא מדמע ומנסך because of a קנס, it is then understood, why all three are mentioned, for there were three different קנסים. The גמרא in גיטין explains that we could not derive the קנסים from each other. However, if we maintain that היזק שאינו ניכר שמיא היזק, then מטמא מדמע ומנסך and any other מזיק are all the same. It would be sufficient just to mention one, in order to mention a היזק שאינו ניכר.

² ב"מ צג,א.

³ See מהרש"א, קרני ראם וכו'.