



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

Bava Kamma Daf Tes Zayin

- The Gemara had asked that the Mishna seems to contradict itself, by seemingly following the **Rabanan** (who say that keren in the property of the nizik pays half damages) in the beginning, and following **R' Tarfon** (who says that keren in the property of the nizik pays full damages) at the end. **R' Elazar in the name of Rav** said, the entire Mishna can follow **R' Tarfon**. The beginning of the Mishna is discussing a case where only the nizik has rights to the property for produce, and both, the mazik and the nizik, have rights to use it for their animals. Therefore, with regard to shein, it is considered to be the property of the nizik (and the mazik is chayuv for shein) and with regard to keren it is considered a public area, and even **R' Tarfon** agrees that he only pays half damages.
 - **Q: R' Kahana** said that he repeated this to **R' Zvid** of Neharda'ah, who said that this answer can't be correct. The Mishna says that shein is a muad only to eat things that are fitting for it to eat. This suggests that if it ate something not fitting for it to eat he would only pay half damages. Now, since this is taking place in the property of the nizik, he should have to pay full damages for that according to **R' Tarfon**!? **A:** Rather, we must say that the Mishna follows the **Rabanan**, and the Mishna should be understood as follows – there are five cases of tam, and those 5 can become 5 cases of muad, whereas shein and regel are immediately a muad. Where are they immediately a muad? When it takes place in the property of the nizik. (According to this understanding, the Mishna at the end is not referring to keren, but is rather referring to shein and regel).
 - **Q: Ravina** asked, the Mishna in the next perek picks up off of this Mishna and asks, “what is the case of the ox that damages in the property of the nizik”. Now, if you say that our Mishna is talking about the case of keren in the property of the nizik, this question makes sense. However, if the Mishna is referring to shein and regel, what is the later Mishna asking with reference to our Mishna!? **A: Ravina** therefore said, that when the Mishna mentions “shor hamuad”, it refers again to keren, and then adds that keren in the property of the nizik, is actually subject to a machlokes between **R' Tarfon** and the **Rabanan**. The Mishna then says, there are other things that are a muad as well – the wolf, the lion, the bear, the bardelas, the leopard, and the snake. In fact, a Braisa says just like this explanation of the Mishna.

V'LO LIRBOTZ

- **R' Elazar** said, it is only considered unusual if the keilim he sat on are large keilim. However, if they are small, it would be considered usual, and the animal would be a muad to do so.
 - **Q:** Maybe we can say that a Braisa supports **R' Elazar**. The Braisa says, an animal is a muad to walk in its usual way and to break and crush people, animals, and keilim. We see that an animal is a muad to break keilim. It must be that it is referring to smaller keilim! **A:** It may be that the Braisa is talking about where the animal crushes it with the side of its body, which is usual, and the Mishna is discussing where the animal went and sat on the keilim, which is unusual even if it is a small keili.

HAZI'EIV V'HA'ARI...

- **Q:** What is a bardelas? **A: R' Yehuda** said it is a “nafriza”, which **R' Yosef** explained to be an “appa”.
 - **Q:** A Braisa says, **R' Meir** says that a “tzavo'ah” is also a muad animal, and **R' Elazar** says that a snake is also a muad animal. **R' Yosef** there explained that “tzavo'ah” is an appa. Since **R' Meir** is adding this animal to the list of the Mishna, it can't be that a bardelas is an appa, because then what is **R' Meir** adding!? **A: R' Meir** is referring to a male tzavo'ah, and a bardelas is a female tzavo'ah.

- **Q:** In the Mishna **R' Elazar** said that a snake is the *only* animal that is always a muad, so why in the Braisa does he say that it is *also* a muad? **A:** We must take out the word “also” from the statement of **R' Elazar** in the Braisa.
- **Shmuel** said, if in the reshus harabim a lion pounces on an animal, rips it apart, and eats it as he rips it apart, the owner of the lion is patur, because this is normal for a lion to do, and it is therefore the mazik of shein, for which one is patur in the reshus harabim. However, if the lion tore apart the animal and only ate it after the animal was dead, the owner is chayuv, because this is not normal for a lion to do, and therefore he is chayuv for keren.
 - **Q:** We find pesukim that suggest that a lion does tear apart an animal and not eat it until later on!? **A:** The lion does that when it wants to feed its cubs or its lioness, or when it needs the food for later. However, if it intends to eat it now, it will not wait for the animal to die before eating it.
 - **Q:** A Braisa says that if an animal goes into the property of the nizik, tore apart an animal, and then ate it, the owner of the mazik animal is chayuv for full damages. This presumably includes the case of a lion, and we see it is considered to be normal for him to do so!? **A:** The case in the Braisa is where he tore it for storage but then decided to eat it.
 - **Q:** How do we know that the lion initially was not going to eat it and then later changed its mind? Also, in **Shmuel's** case we should say he is patur when he eats the animal after it dies, because we should say that the lion changed its mind there too!? **A:** **R' Nachman bar Yitzchak** said, we should understand the cases as discussing one case of where the lion tore apart the animal to put it away for later and another case of where the lion pounced and ate while alive, and in both those cases he pays full damages when it is in the property of the nizik, because both of those cases are normal cases of shein. **A2:** **Ravina** said that **Shmuel** was discussing a case of a domesticated lion, according to **R' Elazar**, who says it is not normal for such a lion to attack.
 - **Q:** If it is not normal for the lion to attack, then **Shmuel** should even say that he is chayuv when the lion pounces and eats the animal while it is alive!? **A:** **Ravina** was explaining the Braisa, not the statement of **Shmuel**.
 - **Q:** If so, the owner should only have to pay half damages, since it is unusual for such an animal to attack!? **A:** The case is that the lion became a muad.
 - **Q:** If so, why does the Braisa teach this as a toldah of shein? It should be a toldah of keren!? **KASHYEH.**

MISHNA

- What is the difference between a tam and a muad? The only difference is that a tam pays half damages from the body of the animal, and a muad pays full damages from the “Aliyah”.

GEMARA

- **Q:** What is meant by “Aliyah”? **A:** **R' Elazar** said, it means that the mazik must pay with the best of his properties. We find a use of the word “maaleh” in this way in a pasuk, where it refers to the best, and tells us that Chizkiyahu was buried next to Dovid and Shlomo.
 - A pasuk says that the king was buried with besamim and zenim. **R' Elazar** said, zenim means many types of besamim. **R' Shmuel bar Nachmeini** said, it refers to besamim that smell so beautiful, that whoever smells them ends up in the aveirah of znus.
 - A pasuk says that Yirmiyah said the people “dug a pit to trap me”. **R' Elazar** said, this refers to the people suspecting him of being with a zonah. **R' Shmuel bar Nachmeini** said, they suspected him of being with a married woman.
 - **Q:** We find that a zonah is referred to as a deep pit, but according to **R' Shmuel bar Nachmeini**, why does the pasuk refer to the married woman as a deep pit? **A:** Being mezaneh with a married woman is also included in the category of a zonah.

- **Q:** The pasuk says that Yirmiyah said the people wanted to have him killed. If they said he was with a zonah, that wouldn't make him chayuv misah!? **A:** This refers to when they threw him into a pit of sludge.
- **Rava** darshened, that Yirmiyah davened to Hashem, that when these people who wanted his death give tzedakah, Hashem should cause that they give it to people who are really not deserving of the tzedaka, and in that way they will not have the zechus of having given tzedakah.
- The pasuk says that they did honor for Chizkiyahu upon his death. This teaches that they established a yeshiva at his kever. **R' Nosson and the Rabanan** argue: one says they did so for 3 days and the other says they did so for 7 days. Others say that they did so for 30 days.