



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

Bava Kamma Daf Yud Ches

- **Q: Rava** asked, when one must pay half damages for tzroros, is this payment limited to the value of the damaging animal, or must it be paid even in excess of the value of the damaging animal? On the one hand, we never find half damage that is paid beyond the value of the damaging animal, but on the other hand, we never find a toldah of regel that is limited to payment based on the value of the damaging animal. **A:** The Braisa quoted earlier says, a jumping chicken is not considered to be a muad, but some say that it is a muad. Now, certainly all would consider a jumping chicken to be a muad!? Rather, it must be referring to where it jumped and caused a pebble to shoot out and break a keili, and the machlokes is that the **T"K** holds that the owner must only pay up to the value of the damaging chicken, and the other Tanna holds that he must for the full amount of half the damage!
 - This is no proof. It may be that the machlokes is that the **T"K** holds like the **Rabanan** and the other Tanna holds like **Sumchos**.
 - **Q:** Maybe we can answer based on a Mishna. The Mishna says, if a dog takes a cookie with a coal from the oven and goes and eats it by a stack of grain, and eats the cookie and leaves the coal which then burns down the stack, the owner of the dog must pay full damages for the cookie and only half damages for the stack. A Braisa says, the half damages is limited to the value of the dog. This seems to be, because payment for tzroros is limited to the value of the damaging animal!? **A:** This can't be the correct understanding, because the Braisa then says that **R' Elazar** says that he must pay for the full damages, but limited to the value of the dog. Now, if this was a case a tzroros, then **Sumchos** would hold he must pay full damage, but it would not be limited to the value of the damaging animal, so that can't be the explanation for **R' Elazar's** view. Rather, we must say that the case is that the dog did something unusual with the coal, and **R' Elazar** holds like **R' Tarfon**, who says that one pays full damages for keren that takes place in the reshus of the nizik, and this payment is limited to the value of the damaging animal.
 - **Q:** It is not correct to say that the Braisa must be talking about a case of keren and that **R' Elazar** follows **R' Tarfon**. The reason we felt forced to say that is because we needed to explain why **R' Elazar** says the owner must be full damages. We can instead say that **R' Elazar** holds like **Sumchos**, who says that tzroros pays full damages, and also holds like **R' Yehuda**, who says that a muad's payment is a combination of half damages as a tam and half damages as a muad, and therefore, regarding tzroros, the first half is paid only up to the value of the damaging animal (which is what **R' Elazar** was referring to) and the second half is paid even beyond that value. **A:** **R' Sama the son of R' Ashi** said to **Ravina**, **R' Yehuda** only holds that way regarding something that was first a tam and then became a muad. However, when something is a muad from the start, he would not say this. Therefore, this can't be the explanation of **R' Elazar!** Rather, we must say that the case is where the dog had already done this three times. **R' Elazar** says that there is a muad for tzroros, and the **T"K** says that there is no muad for tzroros.
 - **Q:** We find that **Rava** questions whether there is a muad by tzroros or not. According to this we should say that the answer is dependent on the views of the machlokes!? **A:** **Rava's** question is only according to the **Rabanan** who argue on **Sumchos**. The Braisa can be understood as having both views follow **Sumchos**, and the reason that the **T"K** says the owner pays half damages is because the case is where the dog acted in

an unusual manner, and the machlokes is whether to hold like **R' Tarfon** or not.

- **Q:** That would mean that **R' Elazar** follows **R' Tarfon**, but we don't find that **R' Tarfon** limits the damages to the value of the damaging animal!?
A: He does hold that way. The view of **R' Tarfon** is based on a kal v'chomer from keren that takes place in the reshus harabim. However, the kal v'chomer is limited with the concept of "dayo" (we can't learn out something more than in the basis from where it is learned) and therefore he would hold that although keren in the property of the nizik pays for full damage, he would say that the payment is limited to the value of the damaging animal.
- We mentioned earlier, that **Rava** asked whether there is the concept of muad for tzroros or not. Do we compare it to keren, or do we say that since it is a toldah of regel there is no concept of muad?
 - **Q:** Maybe we can bring a proof from a Braisa. The Braisa said, a jumping chicken is not considered to be a muad, but some say that it is a muad. Now, certainly all would consider a jumping chicken to be a muad!? Rather, it must be referring to where it jumped and caused a pebble to shoot out and break a keili, and the case is that the chicken had already done this three times. The machlokes is that **T"K** holds that there is no muad for tzroros and the other Tanna holds that there is!? **A:** It may be that this only happened once and the machlokes is whether to hold like **Sumchos** or the **Rabanan**.
 - **Q:** Maybe we can bring a proof from the following. If an animal dropped wastes onto a dough, **R' Yehuda** says the owner must pay full damages and **R' Elazar** says that he need only pay half damages. Presumably the case is where this happened 3 times and the machlokes is whether there is muad by tzroros!? **A:** The case may be where it was done once, and they are arguing in the machlokes between **Sumchos** and the **Rabanan**.
 - **Q:** It is not usual for an animal to do this, so this is a case of keren, and not tzroros!? **A:** The case is where the animal was trapped in a narrow space and had nowhere to drop the wastes other than on the dough.
 - **Q:** If that is the machlokes, why doesn't **R' Yehuda** just say that halacha follows **Sumchos** and **R' Elazar** say that the halacha follows the **Rabanan**? **A:** **R' Elazar** wanted to teach that even though the wastes come from within the body, it is still considered to be a case of tzroros.
 - **Q:** Maybe we can bring a proof from a Braisa taught by **Rami bar Yechezkel**, which says that if a rooster sticks its head into a glass keili, and crows there and breaks the keili, the owner must pay full damages. **R' Yosef** said that **Rav** said, if a horse or donkey made their noises and thereby broke a keili, they pay only half damages. Presumably the cases are where this was done three times and they argue in whether there is muad for tzroros!? **A:** The case may be where it was done once, and they are arguing in the machlokes between **Sumchos** and the **Rabanan**.
 - **Q:** It is not usual for an animal to do this, so this is a case of keren, and not tzroros!? **A:** The case is where there were seeds in the keili, so it is not unusual for the animals to stick their heads in.
- **Q:** **R' Ashi** asked, if the tzroros was done in an unusual way, does it cut the half damages in half, and make it a quarter of the damages? **A:** We can answer from the fact that **Rava** asks whether there is muad for tzroros, it must mean that there is no unusual way that would make it a quarter damages.
 - This is no proof. It may be that **Rava** was asking, that if there is no case of quarter payment, then do we say that there is muad for tzroros.
- **Q:** **R' Ashi** asked, according to **Sumchos**, is the force of a force that damages given the same status as a single force or not? Does **Sumchos** agree that there is a Halacha L'Moshe MiSinai that says that tzroros pays half damages and he applies it to the force of a force, or does he not have the tradition of this Halacha L'Moshe MiSinai at all? **TEIKU**.