



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

Bava Kamma Daf Yud Tes

HUYSA MIVA'ETES OY SHEHAYU TZROROS...

- **Q:** Does the Mishna mean to say "if the animal kicked intentionally and did damage, or it did tzroros in the normal way, the owner pays half damage", which would mean the Mishna follows the **Rabanan**, or does the Mishna mean to say "if the animal kicked intentionally and did damage, or it did tzroros from the intentional kicking, the owner pays half damage", which would mean that in a case of normal tzroros the owner would pay full damages, which would mean that the Mishna follows **Sumchos**? **A:** The later part of the Mishna says that if the animal stepped on a keili and broke it, and a piece of that keili then flew and broke another keili, the owner must pay full damages for the first keili and half damages for the second keili (since it was damaged with tzroros). Now, if the Mishna follows **Sumchos**, he would have to pay full damages on the second keili as well. You can't say that the case is that the first keili was broken with tzroros, so that the second keili is "a force of a force" and in that case say that **Sumchos** holds that the owner must only pay half damages for the second keili, because we find that **R' Ashi** asks what **Sumchos** would hold in this case and doesn't answer from the Mishna. It must be that the Mishna is to be understood like the first option, and the Mishna is following the **Rabanan**.
 - **R' Ashi** understands the Mishna to be following the **Rabanan**, and asks that since for regular tzroros the mazik only pays half damages, if the tzroros was done in an unusual way, would that lower the payment to half of that (a quarter of the damages) or not? **TEIKU**.
- **Q: R' Abba bar Mamal** asked **R' Ami**, if an animal was walking in a place full of pebbles, so that it is impossible for the animal to walk there without shooting out a pebble, and the animal walked there and intentionally kicked a pebble that went and damaged something, do we say that since it was impossible to walk there without shooting out a pebble it is considered normal, or do we say that since the animal did it with intention it is considered to be not normal? **TEIKU**.
- **Q: R' Yirmiya** asked **R' Zeira**, if tzroros happens in the reshus harabim, would he be chayuv to pay for damages? Do we compare it to keren, which is chayuv in the reshus harabim, or to regel, which is patur in the reshus harabim? **A: R' Zeira** said, it makes more sense to say that it is a toldah of regel.
 - **Q:** What about if the tzroros was kicked from the reshus harabim and damaged something in the reshus hayachid? **A:** He said, it was kicked in a place where it would be patur, so he would be patur for the damage.
 - **Q:** A Braisa says, if the animal was walking and shot out a pebble and broke something, whether in the reshus harabim or the reshus hayachid, he is chayuv. This seems to say that he is chayuv for tzroros even in the reshus harabim!? **A:** The case is that the pebble shot out of reshus harabim and damaged something in the reshus yayachid.
 - **Q: R' Zeira** said that in that case he is patur as well!? **A:** He retracted that ruling.
 - **Q:** The Mishna said that if the animal breaks a keili, and a broken piece flies and breaks a second keili, he is chayuv full damages on the first and half damages on the second. A Braisa on this Mishna says, that this is if the damage happened in the reshus of the nizik. However, if it happened in the reshus harabim, he would be patur on the first keili and chayuv on the second keili. We see that he is chayuv for tzroros in the reshus harabim!? **A:** The case is that the pebble shot out of reshus harabim and damaged something in the reshus yayachid.
 - **Q: R' Zeira** said that in that case he is patur as well!? **A:** He retracted that ruling.

- **Q: R' Yochanan** said, there is no difference in the laws of half damages between the reshus hayachid and the reshus harabim. Presumably this means to say that one is chayuv for tzroros in the reshus harabim!? **A:** The case is that the pebble shot out of reshus harabim and damaged something in the reshus yayachid.
 - **Q: R' Zeira** said that in that case he is patur as well!? **A:** He retracted that ruling.
 - **A2:** We can also answer that **R' Yochanan** was talking about keren, and not regular tzroros.
 - **R' Yehuda Nesiah and R' Oshaya** were sitting on the porch of **R' Yehuda**, and one of them asked, if an animal swishes its tail and damages in the reshus harabim, would the owner be chayuv? The other one answered, you can't expect the owner to hold down the tail the entire time! The first one asked, if so, we should say that keren is patur for this reason!? The other one answered, keren is abnormal, and swishing of the tail is not.
 - **Q:** Since it is normal, what was the question to begin with? **A:** He was asking about a case where there was excessive swishing of the tail.
 - **Q: R' Eina** asked, what is the halacha if the animal damaged something by moving his male eiver? Do we say that just like keren is done with an intent, this movement happens with an intent, or do we say that keren has intent to damage and here there is no intent to damage? **TEIKU.**

HATARNEGOLIN MUADIN L'HALECH KIDARKAN ULISHABER...

- **R' Huna** said, when the Mishna says he must pay half damages, that is only where the thing became attached to the chicken's leg on its own. If a person tied it to the chicken's leg, that person would be chayuv for full damages.
 - **Q:** If it became attached on its own, who would be chayuv for the half damages? If you mean that the owner of the attached item would be chayuv, what exactly is the case? If he had put away the item, then he is an oneis!? If he didn't put it away, then he is at fault and should be chayuv for full damages!? Rather, you will say that the owner of the chicken should be chayuv. He would not be chayuv for full damages, because this is a case of his animal creating a bor, in which case the person is patur. However, for that same reason he should be patur from half damages as well!? **A:** The case is that the chicken threw the item and damaged as tzroros, which is why the owner is chayuv for half damages. We must say that **R' Huna's** statement was not made on our Mishna, but as a stand-alone statement. He was asking what the halacha would be with a hefker item. **R' Huna** said, that if no one attached it to the chicken, no one would be chayuv. If someone tied it there, that person would be chayuv. **R' Huna bar Manoach** explained, in this case he would be chayuv on the basis of a bor that is kicked around by people from one place to another.

MISHNA

- How is a shein a muad? To eat things that are appropriate for it to eat. An animal is a muad to eat fruits and vegetables. If the animal ate clothing or keilim, the owner must only pay half damages.
 - This is only in the reshus hanizik. In the reshus harabim he would be patur. However, if he benefitted, he would have to pay for the amount of benefit to the animal.
 - How does he pay for what he benefitted? If the animal ate from in middle of the road, the owner must pay for the amount of the benefit. If he ate from the sides of the road, he must pay for the amount of the damage. If he ate from the entrance to a store, he must pay for the amount of the benefit. If he ate from inside the store, he pays for the amount of the damage.

GEMARA

- A Braisa says, shein is a muad to eat things appropriate for it to eat. How so? If an animal goes into the reshus of the nizik and eats and drinks things appropriate for it to eat and drink, the owner must pay full damages. Similarly, if a wild animal goes into the reshus of the nizik and tears apart an animal and eats the meat, the owner must pay full damages. If a cow ate barley or a donkey ate "karshinin", or a dog drank oil, or a pig ate meat (which are not typical for these animals) the owner must still pay full damages.

- **R' Pappa** said, based on this Braisa that even something that is only eaten when necessary, but is not typical for an animal to eat, is still called "eating" for purposes of shein, if a cat eats dates or a donkey eats fish, the owner would have to pay full damages.
- There was a donkey that ate bread and the basket and **R' Yehuda** said the owner must pay full damages for the bread and half damages for the basket.
 - **Q:** Since it is normal for it to eat the bread, it is also normal for it to eat the basket!? **A:** It first ate the bread and then ate the basket.
 - **Q:** A Braisa says that if an animal ate bread, meat, or cooked food the owner pays half damage. Presumably this refers to an animal like a donkey, and we see it is not normal for it to eat bread!? **A:** The Braisa is referring to a wild animal.
 - **Q:** A wild animal normally eats meat, so how could the Braisa say it is not normal!? **A:** The Braisa is discussing roasted meat. **A2:** The Braisa is referring to deer, which do not eat meat. **A3:** The Braisa is discussing domesticated animals, but the case is where the food was on a table, which is therefore not normal for the animal to eat from.
- There was a goat that climbed onto a barrel to get a turnip. The goat ate the turnip and broke the barrel. **Rava** said the owner must pay full damages for the turnip and for the barrel, because he said that it is normal for it to eat the turnip, and therefore normal for it to climb the barrel to get it.