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The Chicago Center

Today's Daf Digest is dedicated
In loving memory of **שרגא פייוול דוד בן קמואל**
The Abramowitz family

OVERVIEW of the Daf

1) צרורות (cont.)

The Gemara rejects the third attempt to resolve Rava's inquiry whether or not an animal can become מועד for צרורות.

R' Ashi presents two inquires about צרורות one whether there can be a case of abnormal (שנוי) for צרורות and secondly, whether Sumchus aggress that כח כחו is like כחו or not, and both inquiries are left unresolved.

2) Clarifying the Mishnah

The Gemara presents two ways to read the Mishnah, one follows the opinion of Rabanan and the other follows the opinion of Sumchus, and inquires which is the correct reading.

One unsuccessful attempt is made to resolve the inquiry and the matter is left unresolved.

R' Abba bar Mammal inquired about the halacha in a case where it would be impossible for an animal to walk without causing stones to fly out and the animal kicked and caused stones to shoot out; is this a case of normal צרורות or abnormal צרורות.

The inquiry is left unresolved.

R' Yirmiyah inquires whether צרורות is similar to קרן and therefore obligated in a public domain or is it similar to רגל and exempt in a public domain.

R' Zeira asserts that it is similar to רגל.

R' Yirmiyah asks about the halacha where the animal walks in a public domain and the pebbles cause damage in a private domain.

R' Zeira answers that the owner of the animal should be exempt.

R' Yirmiyah unsuccessfully challenges this ruling.

An inquiry was made about whether it is normal for an animal to cause damage by excessively wagging its tail.

The answer that was received was that it is normal.

This ruling is unsuccessfully challenged.

(Continued on page 2)

REVIEW and Remember

1. What is the dispute between Rabanan and Sumchus?
2. Explain the principle עקירה אין כאן הנחה יש כאן.
3. Who is obligated to pay for damages when someone ties a bucket to the leg of a chicken?
4. What type of animal eats bread?

Distinctive INSIGHT

Understanding the inquiry whether צרורות can be a תם

בעי רב אשי יש שינוי לצרורות לרביע נזק או אין שינוי לצרורות לרביע צזק

Rav Ashi inquires whether an unusual case of צרורות would pay half of the half-payment of "regular" צרורות. As a matter of introduction, we note that a typical case of צרורות is categorized as a תולדה (sub-case) of רגל, and although רגל pays full damages, the הלכה למשה מסיני teaches us that צרורות pays only half. Rav Ashi now asks what would the halacha be in a case of unusual צרורות, for example where the animal did not simply bump into a stone which went flying, but the animal intentionally kicked a stone, and the stone flew and caused damage. Does this case also pay half damage, or do we say that the first three times קרן occurs the payment is only half of what it would normally be, so here the payment will be half of half, or one quarter of the damage?

Rashi explains that the analysis of the Gemara is in order to understand the nature of the half-payment of תם. Is the rule of the Torah to be understood that תם pays half of what is paid for מועד? If this were the case, regular צרורות pays half, so an unusual case of צרורות would pay one quarter (half of half). On the other hand, perhaps the intent of the Torah is that תם pays half of the damages. This would mean that even in a case of unusual צרורות the payment would still be half, not less.

Tosafos Rabeinu Peretz explains the question differently than does Rashi. The Gemara understood that the nature of תם is that it pays half of the damages (and not that it pays half of מועד). The inquiry of Rav Assi is, however, to understand the nature of צרורות. Is the lesson of the Torah that it pays half of whatever the payment would have been had the damage been done directly by the animal's body, in which case if it is done in an unusual manner it would pay one fourth, or is the lesson of the Torah that צרורות pays half the damage and never less?

In מרומי שדה, the Netzi"v explains that the doubt can be understood in terms of whether the case of צרורות is said only as a subcategory of רגל, or does it also apply in terms of all categories of damage, including קרן. If it was taught only in terms of רגל, when the animal kicks a rock, which is קרן, the payment would still be half, just as any damage of קרן. If צרורות was taught in regard to all categories of damage, an unusual form of צרורות would pay one fourth. ■

HALACHAH Highlight

Stepping on a beam in the public domain and breaking a utensil in the private domain

לא התיזה ברה"ר והזיקה ברשות היחיד

No, the animal propelled the stones from the public domain and damaged in the private domain.

Rif[1] writes that one is exempt for paying for damages of שן and רגל in the public domain since that is normal behavior (משום דאורחייהו). Rosh[2] questions why Rif didn't simply quote the verse ובער בשדה אחר – and it consumed in another's field – which teaches that one is exempt from damages of שן and רגל in the public domain. Rosh answers that Rif was offering a rationale behind the verse. Why did the Torah exempt one for paying for damages of שן and רגל in the public domain? Because it is common for animals to walk there and it is impossible for the owner to be with the animals at all times. An application of this rationale would be a case of a long beam where one end is in the public domain and the other end is in a private domain. According to Rosh's explanation of Rif if an animal was to step on the beam in the public domain and it caused damage in the private domain the owner would be exempt since it is normal for animals to walk on things in the public domain.

The students of Rashba[3] disagree with this ruling. They maintain, based on our Gemara, that the owner of the animal is not exempt. The conclusion of our Gemara is that if an animal is walking in the public domain and a stone shoots out from under the animal's foot and breaks a utensil in the private domain the owner is obligated to pay for the damages. Seemingly, the case of the beam and the case of the stone are the same in that they both involve an action that takes place in the public domain and damage that occurs in a private domain.

The Or Sameach[4] suggests that the two cases are not the same. In the case of the beam the animal steps on the beam in the public domain and while at least part of the beam remains in the public domain the damage occurs in the private domain. In contrast, the case of our Gemara is a case where the action of stepping on the stone occurred in the public domain but the stone did not break the utensils until after it had entered the private domain. Accordingly, in the case of the beam we could say that it is considered damages that occurred in the public domain, since the beam never left that area, and the owner is exempt but in the case of the stone since the stone entered the private domain before it damaged the utensil it is considered damage that occurred in the private domain and thus the owner is obligated to pay. ■

1. רי"ף ריש פרק קמא
2. רא"ש פ"א סי' א'
3. חידושי תלמידי הרשב"א בסוגייתינו
4. חידושי רבי מאיר שמחה ■

(Insight. Continued from page 1)

Another similar inquiry is made and left unresolved.

3) Liability for something tied to a chicken's legs

R' Huna asserts that one pays half-damages for something tied to a chicken's legs only when it got tangled on the chicken's leg by itself but if a person tied it to the chicken the tier must pay full damages.

This qualification is challenged and the Gemara explains that the Mishnah referred to a different case and R' Huna made his statement in a different context.

4) MISHNAH: The Mishnah discusses liability for damages of שן.

5) Elaborating on the Mishnah

A Baraisa is cited to elaborate on the Mishnah's statement that one must pay "what is appropriate for it."

R' Pappa applies the previously-stated principle to a new case.

A related incident is recorded.

The ruling of this incident is challenged and the Gemara is forced to elaborate on more details of the case.

Two other resolutions to the challenged ruling are presented.■

STORIES Off the Daf

The wandering pit

בור המתגלגל

The greatest people know how to apply even the most obscure Talmudic teachings to their everyday lives.

Rav Avigdor Neventzal, shlit"a, illustrates just how this trait was manifest in his illustrious mentor, Rav Shlomo Zalman Auerbach, zt"l. "Years ago, when they used to sell salt and sugar out of big sacks, one particular shopkeeper made a terrible mistake. Instead of selling sugar from the sack of sugar, he doled out what he thought was sugar to all of his customers from the sack of salt. People baked cakes and made all sorts of dishes requiring sugar with salt instead. Very many dishes were completely ruined and the question was if the merchant was responsible to compensate his customers for the cost of all of the ingredients that were wasted by inclusion in ruined dishes.

"My rebbi ruled that he must pay, just like the owner of a בור המתגלגל a hazardous object that is kicked around by people and animals, must pay for any damage that results even though another party is unknowingly doing the damage. So too, in our case, the shopkeeper must pay all the consequent damage of his inadvertent mix-up.

Rav Neventzal concluded, "Although some say that Rav Shlomo Zalman did not rule absolutely that the shopkeeper is responsible because of this but merely considered the possibility, the very fact that he applied the principle of בור המתגלגל here is truly remarkable. He taught me that בור המתגלגל is not a concept that should be relegated to the halachos of Bava Kama 19. We must learn to see how this applies in our daily life experience!"[1] ■

חכו ממתקים חלק א' עמוד ק"נ

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