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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Unusual Pebbles

Rav Ashi inquired: Would an unusual act by "pebbles" reduce the payment to a "quarter of the damages" or not?

The *Gemora* attempts to resolve this from Rava, who inquired: Is there such a thing as becoming a *mu'ad* regarding "pebbles," or is there no such thing as becoming a *mu'ad* in the case of "pebbles"? This would imply that there is no provision for an unusual act by "pebbles" (*for if by an unusual act, he would pay a quarter, why would we think that he should pay in full when it becomes a mu'ad*).

The *Gemora* rejects the proof: Perhaps Rava was inquiring only according to the assumption that there is no provision for an unusual act by "pebbles."

This inquiry remains unresolved. (19a1)

Force of its Force

Rav Ashi inquired: According to Sumchos, do we treat the damage caused by the force of the animal's force the same way as the force of the animal itself? Does Sumchos agree that there was a *Halachah l'Moshe mi'Sinai* by pebbles and it was coming to teach us that one is liable for half the damages by a case where the damage was caused by the force of the animal's force? Or, perhaps, he did not agree that there was a *Halachah l'Moshe mi'Sinai* altogether?

This inquiry remains unresolved. (19a1)

Kicking Pebbles

The *Mishnah* had stated: If the animal was kicking or if pebbles were shooting out from beneath its feet, and it broke utensils, the owner is liable for half the damages.

The students inquired: What case is the *Mishnah* referring to? Is it referring to a case where the pebbles shot out from beneath the animal when it was walking in a usual manner, and it is reflecting the opinion of the *Chachamim* (*for the Mishnah rules that the owner is liable* for *only half the damages*)? Or, perhaps, the *Mishnah* is referring to a case where the pebbles shot out from beneath the animal when it was kicking (*which is an unusual manner*), and we would infer from here that if it would have happened in a usual manner, he would have paid for the damages in full? Accordingly, the *Mishnah* would be reflecting the opinion of Sumchos!?

The *Gemora* attempts to resolve this from the end of the *Mishnah*, which states: If it (an animal) stepped on a utensil and broke it (the utensil) and the broken piece fell on another utensil and broke it, the owner will be liable for full damages for the first one, and he will pay half damages for the second one. Now according to Sumchos, would he ever be liable for only half the damages?

Perhaps you would say that when the *Mishnah* says "the second utensil," it is referring to the second one damaged by the pieces shot out from the second one which was broken (*and therefore, we are referring to a third utensil*), and Sumchos would distinguish between the damage caused by the force of the animal's force and the damaged caused by the force of the animal itself. If this would be correct, we would be able to resolve Rav Ashi's inquiry, for Rav Ashi inquired: According to Sumchos, do we treat the damage caused by the force of the animal's force the same way as the force of the animal itself? Let us resolve that they are not treated the same!?

The *Gemora* answers: Rav Ashi understands the *Mishnah* according to the *Chachamim*, and Rav Ashi inquired as follows: Is the *Mishnah* referring to a normal case of pebbles, and that is when the owner would be liable for only half the damages? We can then infer that if it would damage indirectly in an unusual manner, the owner would be liable for only a quarter of the damage. Or, perhaps, the *Mishnah* is ruling that one is liable for half the damages when the damage was done indirectly in an unusual manner. Accordingly, there would be no provision for an unusual act by "pebbles."

This inquiry remains unresolved. (19a1 – 19a2)

Impossible to Avoid

Rabbi Abba bar Mammal inquired from Rabbi Ami, and other say that he inquired from Rabbi Chiya bar Abba: If the animal was walking in a place where it was impossible for it to avoid shooting out pebbles, and it kicked and shot out pebbles, what is the *halachah*? Do we say that since it was impossible to avoid, it is regarded as a usual case, or do we say that since it kicked, we have to treat it as an unusual case?

This inquiry remains unresolved. (19a2 – 19a3)

Domains

Rabbi Yirmiyah inquired from Rabbi Zeira: If the animal was walking in a public domain and pebbles shot out from beneath it and damaged, do we compare it to a case of *keren* (*for both cases, one is only liable to pay for half the damages*), and the owner will be liable, or, perhaps, it is a sub-category of *regel*, and therefore, he would be exempt from liability (*for it was done in a public domain*)?

He replied: It is logical that we treat it as a sub-category of *regel*, and therefore, he would be exempt from liability.

Rabbi Yirmiyah inquired further: If the animal was walking in a public domain and pebbles shot out from beneath it and damaged in a private domain, what is the *halachah*?

Rabbi Zeira replied: If there is no liability for the raising of the pebbles (*since it took place in a public domain*), how can there be liability for where the pebbles came to rest (*in the private domain*)!?

Rabbi Yirmiyah asked Rabbi Zeira from the following *Baraisa*: If the animal was walking on a road and pebbles shot out from beneath it and damaged, whether in a private domain or a public domain, the owner is liable. Now, does this not mean that the pebbles shot out in a public domain and damaged in a public domain (*and the Baraisa rules that he is liable; this challenges Rabbi Zeira's first response as well, for we see that one is liable for "pebbles" even in a public domain*)!?

Rabbi Zeira replied: No! This is referring to a case where the pebbles shot out in a public domain and damaged in a private domain.

Rabbi Yirmiyah asked him: But you said that if there is no liability for the raising of the pebbles (*since it took place in a public domain*), how can there be liability for where the pebbles came to rest (*in the private domain*)?

Rabbi Zeira replied: I retract from that ruling (*but I still hold that one is not liable for "pebbles" in a public domain*).

Rabbi Yirmiyah asked him from our *Mishnah*: If it stepped on a utensil and broke it and the broken piece fell on another utensil and broke it, the owner will be liable for full damages for the first one, and he will pay half damages for the second one. And a *Baraisa* was taught in connection with this *Mishnah*: This is only the *halachah* if it happened in a private domain; however, if it occurred in a public domain, he is exempt from liability on the first one and liable for the second one. Now, are we not referring to a case where the animal broke the first utensil in a public domain and the pieces shot out and damaged the other utensil also in a public domain!? [*And by the fact that he is liable, this would disprove Rabbi Zeira!*]

Rabbi Zeira replied: No! This is referring to a case where the pebbles shot out in a public domain and damaged in a private domain.

Rabbi Yirmiyah asked him: But you said that if there is no liability for the raising of the pebbles (*since it took place in a public domain*), how can there be liability for where the pebbles came to rest (*in the private domain*)?

Rabbi Zeira replied: I retract from that ruling (*but I still hold that one is not liable for "pebbles" in a public domain*).

Rabbi Yirmiyah persisted: But didn't Rabbi Yochanan say that that in regard to the liability of half damages there is no distinction between a private domain and a public domain. Now, does this not mean that the pebbles shot out in a public domain and damaged in a public domain?

Rabbi Zeira replied: No! This is referring to a case where the pebbles shot out in a public domain and damaged in a private domain.

Rabbi Yirmiyah asked him: But you said that if there is no liability for the raising of the pebbles (*since it took place in a public domain*), how can there be liability for where the pebbles came to rest (*in the private domain*)?

Rabbi Zeira replied: I retract from that ruling (*but I still hold that one is not liable for "pebbles" in a public domain*).

Alternatively, you might say that Rabbi Yochanan was referring only to the half damages of *keren*. (19a3 – 19b1)

Swishing

Rabbi Yehudah Nesiah and Rabbi Oshaya had both been sitting near the entrance of the house of Rabbi Yehudah, when the following matter was raised between them: In the case of an animal swishing about with its tail, [and doing thereby damage in a public domain] what would be the law? — One of them said in answer: Could the owner be asked to hold the tail of his animal continuously wherever it goes? But if so, why in the case of keren shall we not say the same: "Could the owner be asked to hold the horn of his animal continuously wherever it goes?" — There is no comparison. In the case of keren the damage is unusual, whereas it is quite usual [for an animal] to swish about with its tail. - But if it is usual for an animal to swish about with its tail, what then was the problem? — The problem was raised regarding an excessive swishing about. (19b1)

Rav Eina inquired: If the animal damaged by swishing its male organ, what is the *halachah*? Do we say that it should be comparable to *keren*, for in both cases its urges

did not get the better of it, or is *keren* different, for it has intent to damage, whereas here it does not?

This inquiry remains unresolved. (19b1 – 19b2)

Tied to the Chicken

The *Mishnah* had stated: Chickens are *mu'ad* to break things as they are walking. If something was tied to its legs, or if it was jumping, and it broke utensils, the owner is liable for paying half the damages.

Rav Huna said: The ruling regarding half damages applies only to a case where the string became attached by itself, but in a case where someone tied it, the liability would be in full (*for the one who tied it*).

The *Gemora* asks: But in the case where the string was attached by itself, who would be liable for the half damages? It could hardly be suggested that the owner of the string would have to pay it, for in what circumstances could that be possible? If he put the string in a safe place, surely it was but a sheer accident that the chicken got a hold of it (*and he should be exempt*)! If, on the other hand, it was not watched properly, should he not be liable for negligence (*and he therefore should pay in full*)? Rather, it must be that the owner of the chicken would have to pay the half damages. But why does he not pay in full? If he is exempted from full payment on account of the implication drawn from the verse: *If a man shall open a pit*, which implies that there would be no liability for an animal opening a pit, then for the very same reason, half damages should not be imposed here as there could only be liability when a man created a pit but not when an animal did?

The *Mishnah's* ruling must therefore be applicable only to a case where the chicken threw the string from one place to another, where it broke the utensils (*and therefore it is subject to the halachah of pebbles*). And Rav Huna's statement was in reference to a general case: In the case of an ownerless string (*where someone was injured from tripping on a string that was attached to a chicken*), Rav Huna said that if it had become attached by itself to the chicken, there would be liability (*for his animal cannot create a pit*). But if a person attached it to the chicken, he would be liable for paying in full. – On what account would he be liable? - He would be liable under the category of a pit (*i.e. stone placed in the public domain*) that is moved by the feet of people or animals. (19b2)

Mishnah

How is the tooth of an animal considered a *mu'ad*? It is *mu'ad* to eat things which are fit for it. An animal is *mu'ad* to eat fruits and vegetables. If it ate clothing or utensils, he would only pay half damages. This is only if it damaged in the property of the damaged party; however, if it damaged in the public domain, he is not liable. However, if it had pleasure from the food, the owner would be required to pay for the pleasure.

When does he pay from what it had pleasure? If it ate from in middle of the street, he pays for what it had pleasure. If it ate from the side of the street, he pays for what it damaged. If it ate from the entrance of a store, he pays for what it had pleasure. If it ate from the inside of the store, he pays for what it damaged. (19b3)

Shein

The *Gemora* cites a *Baraisa*: *Shein* (*tooth*) is *mu'ad* to eat whatever is fit for it. How is that? An animal enters into the premises of the damaged party and eats food that is fit for it or drinks liquids that are fit for it, the payment will be in full. And similarly, if a wild beast enters the premises of the damaged party, tears an animal apart and eats its flesh, the payment will be in full. So also in the case of a cow eating barley, a donkey eating vetch, a dog licking oil, or a pig eating a piece of meat, the payment will be in full.

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Rav Pappa said: Since it has been stated that things which in the usual way would be unfit as food, but which under pressing circumstances are eaten by them, it is regarded as "eating," in the case where a cat eats dates, and a donkey eats fish, the payment will similarly be in full.

There was a case where a donkey consumed bread and chewed also the basket [in which the bread had been kept]. Rav Yehudah thereupon ordered full payment for the bread, but only half damages for the basket. Why can it not be argued that since it was usual for the donkey to consume the bread, it was similarly usual for it to chew at the same time the basket too? — It was only after it had already completed consuming the bread, that the donkey chewed the basket. - But could bread be considered the usual food of an animal? Here is [a Baraisa] which contradicts this: If it [the animal] consumed bread, meat or broth, only half damages will be paid. - Now, does not this ruling refer to [a domestic] animal? — No, it refers to a wild beast. To a wild beast? Is meat its usual food? — The meat was roasted. Alternatively, you may say: It refers to a deer. You may still further say alternatively that it refers to a [domestic] animal, but the bread was consumed upon a table. (19b3 – 19b4)

DAILY MASHAL

Keitzad haregel muedes

The Perek begins with "Keitzad haregel muedes." It is known that Yom Tov is referred to as regel and as moed. "Regel," meaning "foot" connotes the walking or going with sanctity, for it is through the Yamim Tovim that one obtains the strength in his body and mind to live in a manner of sanctity. This would be called an "inspiration from below." "Moed," meaning "time" or "appointment" is a set time, where Hashem sends down an abundance of sanctity during these days. This would be called an "inspiration from above."

Our Mishnah can thus be expounded: Keitzad? How can one attain these spiritual levels on Yom Tov? It is only if he applies his "regel" with kedushah; he must prepare himself to seek out the holiness of the holiday. That is when the "regel" becomes "muedes"; he will then receive Divine Inspiration.