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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

Come and hear (from the following Baraisa): In the case of an ox throwing itself upon the back of another's ox so as to kill it, if the owner of the ox that was beneath arrived and extricated his ox so that the ox that was above dropped down and was killed, there is exemption. Now, does not this ruling apply to *mu'ad* where no irreparable loss is pending? — No, it only applies to *tam* where an irreparable loss is indeed pending. - But if so, read the subsequent clause: If [the owner of the ox that was beneath] pushed the ox from above, which was thus killed, there would be liability to compensate. Now if the case dealt with is of *tam*, why is there liability? — Since he was able to extricate his ox from beneath, which in fact he did not do, [he had no right to push and directly kill the assailing ox].

Come and hear (from the following Baraisa): In the case of a trespasser having filled his neighbor's premises with barrels of wine and barrels of oil, the owner of the premises is entitled to break them when going out and break them when coming in. [Does this not prove that a man may take the law into his own hands for the protection of his rights?] — Rav Nachman bar Yitzchak explained: He is entitled to break them [and make a way] when going out [to complain] to court, as well as break them when coming back to bring his proofs.

Come and hear (from the following Baraisa): From where do we derive the ruling that in the case of a *nirtza* whose term of service is over (as Yovel arrived), if it so happened that his master, while insisting upon him to leave, injured him by inflicting a wound upon him, there is yet exemption? We learn it from the words: And you shall not take payment … to return, implying that we should not adjudicate compensation for one that is determined to 'return' [*as a Hebrew slave who became a nirtza*]. [Does this not prove that a man may take the law into his own hands for the protection of his interests?] — We are dealing here with a case where the slave is a thief. - But how is it that up to that time he did not commit any theft and just at that time he does steal? — Up to that time he had the fear of his master upon him, whereas from that time he Does not have the fear of his master upon him.

Rav Nachman bar Yitzchak said: We are dealing with a slave to whom his master assigned a Canaanite slavewoman as a wife: up to the expiration of the term this arrangement was lawful, whereas from that time this becomes forbidden.

Come and hear (from our Mishnah): If someone placed a pitcher in the public domain, and somebody else came and tripped over it and broke it, he is exempt. Now, isn't this so only when the other one tripped over it, whereas in the case of directly breaking it there is liability? — Rav Zevid thereupon said in the name of Rava: The same law applies even in the case of directly breaking it; for 'and trips' was inserted merely because of the subsequent clause which reads: If the person

who tripped was damaged due to the barrel, the owner of the barrel must pay for the damages, and which, of course, applies only to tripping but not to direct breaking, as then it is of course the plaintiff who is to blame for the damage he caused to himself. It was therefore on this account that 'tripping' was inserted in the commencing clause.

Come and hear (from the following Baraisa): Then you shall cut off her hand, means only a monetary fine. Doesn't this ruling apply even in a case where there was no other possibility for her to save [her husband]?[1] — No, it applies only where she was able to save [him] by some other means. - Would indeed no fine be imposed upon her in a case where there was no other possibility for her to save [her husband]? But if so, why state in the subsequent clause: And she stretches out her hand, excludes an agent of the court [from any liability for degradation caused by him while carrying out the orders of the court]? Couldn't the distinction be made by continuing the very case [in the following manner]: Provided that there were some other means at her disposal to save [him], whereas if she was unable to save [him] by any other means there would be exemption? — This very same thing was indeed meant to be conveyed [in the subsequent clause:] Provided that there were some other means at her disposal to save [him], for were she unable to save [him] by any other means, the resort to force in her case should be considered as if exercised by an officer of the court [in the discharge of his duties] and there would be exemption.

Come and hear (from the following Mishnah): In the case of a public road passing through the middle of a field of an individual, who appropriates the road but gives the public another at the side of his field, the gift of the new road holds good, whereas the old one will not thereby revert to the owner of the field. Now, if you maintain that a man may take the law into his own hands for the protection of his interests, why should he not arm himself with a whip and sit there? — Rav Zevid thereupon said in the name of Rava: This is a precaution lest an owner [on further occasions] might substitute a crooked path [for an old established road]. Rav Mesharsheya even suggested that the ruling applies to an owner who actually replaced [the old existing road by] a crooked path.

Rav Ashi said: To turn a road [from the middle] to the side [of a field] must inevitably render it a crooked path, for if for those who reside at that side it becomes more direct, for those who reside at the other side it is made far [and roundabout]. - But if so, why does the gift of the new road hold good? Why can the owner not say to the public authorities, "Take what is yours [the old path] and return me mine [the new one]"? — [That could not be done] because of Rav Yehudah, for Rav Yehudah said: A path [once] taken possession of by the public may not be obstructed.

Come and hear (from the following Baraisa): If an owner leaves *pe'ah*[2] on one side of the field, whereas the poor arrive at another side and glean there, both sides are subject to the law of *pe'ah*. Now, if you really maintain that a man may take the law into his own hands for the protection of his interests why should both sides be subject to the law of *pe'ah*? Why should the owner not arm himself with a whip and sit? — Rava thereupon said: The meaning of 'both sides are subject

[1] Thus proving that even where irreparable loss is pending, as in this case, it is not permitted to take the law into one's own hands.

[2] I.e the portion of the harvest left at a corner of the field for the poor.

to the law of *pe'ah*' is that they are both exempt from tithing, as taught: If a man, after having renounced the ownership of his vineyard, rises early on the following morning and cuts off the grapes, there applies to them the laws of *peret*,[3] *olelos*,[4] forgetting'[5] and *pe'ah,* whereas there is exemption from tithing.[6] (28a1 – 28a5)

MISHNAH: If one's pitcher broke in a public domain and someone slipped on the water or was injured by the shards, he [the owner of the pitcher] is liable [to compensate]. Rabbi Yehudah says: If it was done intentionally, he is liable, but if he did not have intent, he is exempt. (25a5)

GEMARA: Rav Yehudah said in the name of Rav: They taught this ruling only regarding clothing soiled in the water,[7] but regarding injury to the person there is exemption, since it was a public domain that hurt him.

When repeating this statement in the presence of Shmuel, he said to me: Well, isn't [the liability for damage occasioned by] a stone, a knife or burden derived from pit? So that I adopt regarding them all [the interpretation]: 'An ox' excluding man, 'a donkey' excluding inanimate objects! This qualification, however, applies only to cases of killing, whereas regarding [mere] injury, in the case of man there is liability, though with respect to inanimate objects there is [always] exemption?[8] — Rav [however, maintains that][9] these statements apply only to hazards abandoned [by their owners], whereas in cases where they are not abandoned they still remain [their owner's] property.

Rav Oshaya however raised an objection: And an ox or a donkey fall into it: 'An ox' excluding man; 'a donkey' excluding inanimate objects. Hence the Rabbis stated: If there fell into it an ox together with its tools and they thereby broke, [or] a donkey together with its equipment which tear, there is liability for the animal but exemption as regards the inanimate objects. To what may the ruling in this case be compared? To that applicable in the case of a stone, a knife and burden that had been left in a public domain and did damage. - Should it not on the contrary read: What case may be compared to this ruling?[10] — It must therefore indeed mean thus: What may [be said to] be similar to this ruling? The case of a stone, a knife and burden that had been left in a public domain and did damage. - It thus follows that where a bottle broke against the stone there is liability. Now, doesn't the commencing clause contradict the view of Rav,[11] whereas the concluding clause opposes that of Shmuel?[12] — But [even] on your

[3] I.e.. grapes fallen off during cutting which are the share of the poor.
[4] Small single bunches reserved for the poor.
[5] I.e., produce forgotten in the field, belonging to the poor.
[6] For the law of tithing applies only to produce that has never been abandoned even for the smallest space of time.
[7] Rav maintains that the Mishnah deals with a case where the water of the broken pitcher has not been abandoned, so that it still remains the property of the original owner who is liable for any damage caused by it.
[8] For killing and injury could not be distinguished in the case of inanimate objects. How then could Rav make him liable for soiled garments (and exempt for injury to the person)?
[9] The difference in principle between Shmuel and Rav is that the former maintains that hazards of all kinds, whether abandoned by their owners or not, are subject to the law applicable to pit, in which case there is no liability either for damage done to inanimate objects or death caused to human beings, whereas the view of Rav is that only abandoned hazards are subject to these laws of pit, but hazards that have not been abandoned by their owners are still his property, and as such have to be subject to the law applicable to ox doing damage, in which case no discrimination is made as to the nature of the damaged objects, be they men, animals or inanimate articles.
[10] Since the case of stone, knife and a burden is far less obvious than this case which is explicitly dealt with in Scripture.
[11] Who maintains that unless they have been abandoned they are subject to the law of ox.
[12] According to whom it should be subject to the law applicable to pit imposing no liability for damage done to inanimate objects.

view, doesn't the text contradict itself, stating exemption in the commencing clause and liability in the concluding clause!

Rav therefore interprets it so as to accord with his reasoning, whereas Shmuel [on the other hand] expounds it so as to reconcile it with his view. Rav in accordance with his reasoning interprets it thus: The [above] statement was made only regarding hazards that have been abandoned, whereas where they have not been abandoned there is liability. It therefore follows that where a bottle broke against the stone there is liability. Shmuel [on the other hand] in reconciling it with his view expounds it thus: Since you have now decided that a stone, a knife and burden [constitute hazards that] are equivalent [in law] to pit, it follows that, according to Rabbi Yehudah who orders compensation for inanimate objects damaged by pit, where a bottle smashed against the stone there is liability.

Rabbi Elazar said: This ruling refers only to a case where the person tripped over the stone and the bottle broke against the stone. For if the person tripped because of the public domain, though the bottle broke against the stone, there is exemption. Whose view is here followed? — Of course not that of Rabbi Nassan.[13] There are, however, some who [on the other hand] read: Rabbi Elazar said: Do not suggest that it is only where the person tripped upon the stone and the bottle broke against the stone that there is liability, so that where the person tripped because of the public domain, though the bottle broke against the stone, there would be exemption. For even in the case where the person tripped because of the public domain, provided the bottle broke against the stone there is liability. Whose view is here followed? — Of course that of Rabbi Nassan. (28a5 – 28b3)

[13] Who holds that where no payment can be exacted from one defendant, the co-defendant, if any, will himself bear the whole liability.

DAILY MASHAL

Rav Zevid thereupon said in the name of Rava: This is a precaution lest an owner [on further occasions] might substitute a crooked path [for an old established road].

Discipline is the path leading one to proper worldly behavior. It is this discipline, enabling man to control the physical and materialistic drives of his body that distances him from the deterioration and ultimate death inherent in everything which is material. . Following the path dictated by physicality, which leads to death, is a crooked path in comparison with a disciplined path which enables man to transcend the control of his physical dimension. "Derech eretz," a disciplined way of behavior, is the path leading to life and eternity, a true "Derch Chaim".