



OVERVIEW BAVA KAMA DAF 16

Section 1: Other Resolutions of the Mishnah

Answer #2 (R. Elazar):

"Free men" excludes slaves. "Members of the covenant" excludes non-Jews.

The entire Mishnah is like R. Tarfon. The Reisha discusses a field where:

- Only the victim may leave FRUIT
- Both the victim and damager may have ANIMALS

Regarding Shen → It's like the victim's yard
Regarding Keren → It's like a public area

Objection (Rav Zevid of Neharda'a):

Mishnah says: Shen is Mu'ad to eat what's fitting for it.

Inference: It's NOT Mu'ad for something it doesn't normally eat.

Eating something it doesn't normally eat is KEREN. R. Tarfon obligates full damage in the victim's premises!

Answer #3 (Rav Zvid):

The entire Mishnah is like Chachamim. It's abbreviated:

"There are five Tam damagers. If they damage repeatedly, they become Mu'ad. Shen and Regel are Mu'ad from the beginning - this is in the victim's premises."

Answer #4 (Ravina):

The Mishnah is abbreviated:

"There are five Tam damagers. If they damage repeatedly, they become Mu'ad. Shen and Regel are Mu'ad from the beginning.

The 'Mu'ad' the Torah mentions is one of the five Tam damagers that damaged repeatedly.

If an ox damaged in the victim's premises - R. Tarfon and Chachamim argue about this.

There are also other Mu'adim: wolf, lion, bear, leopard, Bardelus, and snake."

A Beraisa explains exactly like Ravina.

Section 2: Crouching

The Mishnah:

An animal is not Mu'ad to crouch (and break things)...

Version #1 (R. Elazar): This refers only to BIG vessels. It's normal to crouch and break SMALL vessels.

Support (Beraisa): An animal is Mu'ad to walk and crush people, animals, and vessels.

Rejection: Perhaps it crushes them against a wall (without crouching).

Version #2 (R. Elazar): It's abnormal to crouch and break even SMALL vessels.

Question (Beraisa): An animal is Mu'ad to walk and crush people, animals, and vessels!

Answer (R. Elazar): Perhaps it crushes them against a wall.

Version #3:

Question: The Mishnah says an animal isn't Mu'ad to crouch, but a Beraisa says it IS Mu'ad to crush things!

Answer (R. Elazar): It's Mu'ad to crouch on SMALL vessels, but not on BIG ones.

Section 3: Other Mu'ad Animals

What Is a Bardelus?

Rav Yosef: It's an Apa (snake?).

Question (Beraisa - R. Meir): Even a Tzavu'a (hyena?) is Mu'ad. R. Elazar says, even a snake.

If Bardelus is Apa, R. Meir says Tzavu'a isn't listed in our Mishnah!

Answer: Bardelus is Apa - a female Tzavu'a. R. Meir adds even a male Tzavu'a.

Strange Transformations:

Beraisa: A male Tzavu'a changes every seven years:

- It becomes a bat
- Then a small bat
- Then a Kimush
- Then a Chu'ach
- Then a Shed (demon)

A human spine becomes a snake after seven years if he doesn't bow at 'Modim'.

Question About R. Elazar:

Question: R. Meir says even a Tzavu'a. R. Elazar says even a snake.

Contradiction (Mishnah - R. Elazar): If domesticated, they're NOT Mu'ad!

Correction: The Beraisa should say "R. Elazar says ONLY a snake is Mu'ad."

Section 4: How Lions Normally Eat

Shmuel's Teaching:

Shmuel: If a lion ate from an animal (without killing it) in a public area → EXEMPT (normal - Shen is exempt there)

If it first killed the animal → LIABLE (abnormal - Keren is liable there)

Challenges from Scripture:

Question: Is it really abnormal for a lion to kill? "A lion tears for its cubs"!

Answer: A lion tears for its cubs, but not for itself.

Question: "And it chokes (kills prey, and brings it) to female lions."

Answer: It chokes to bring prey to female lions, but not for itself to eat.

Question: "And it fills its dwelling with torn animals."

Answer: It kills to fill its dwelling, but not to eat immediately.

Beraisa Challenge:

Question (Beraisa): A wild animal that entered the victim's premises, tore an animal, and ate meat, pays full damage!

Answer #1: It tore the animal to store it, then reconsidered and ate it.

Objection #1: How would we know this?

Objection #2: Shmuel should have been concerned about this!

Answer #2 (Rav Nachman bar Yitzchak): The Beraisa means: if it tore to store OR ate meat without killing → Full damage.

Answer #3 (Ravina): The Beraisa discusses a DOMESTICATED lion, according to R. Elazar.

Question: If so, even eating without killing should be abnormal!

Correction: Ravina meant the Beraisa discusses a domesticated lion.

Question: If so, it should only pay HALF-damage!

Answer: It became Mu'ad.

Question: Then it's a Toldah of Keren, not Shen!

This is left difficult.

Section 5: The Difference Between Tam and Mu'ad

"The Aliyah"

Mishnah: A Tam pays half-damage mi'Gufo (up to its own value). A Mu'ad pays full damage from the Aliyah.

Question: What's "the Aliyah"?

Answer (R. Elazar): It's the Me'ulah (BEST) of the damager's property.

R. Elazar: "They buried Chizkiyahu in Ma'alei of the tombs of the house of David" - near the best of the family, David and Shlomo.

Section 6: Agadic Teachings of R. Elazar

Various interpretations about:

- Asa's burial with fragrances
- People suspecting Yirmiyahu of sin
- Yirmiyahu's prayer against his persecutors