



## OVERVIEW BAVA KAMA DAF 17 [Perek Beis]

### Section 2: Regel

#### The Mishnah:

How is Regel Mu'ad? An animal is Mu'ad to break things when it walks normally.

If it was KICKING, or pebbles were strewn → Half-damage.

If it trampled on a vessel, fragments broke another → Full for first, half for second.

Chickens are Mu'ad to walk normally. If something tied to its leg, or dancing → Half-damage.

#### Why Switch from "Regel" to "Behemah"?

**Answer (Rava):** Regel is the Av (primary). Other parts are Toldos (derivatives).

**Answer (Rava):** It IS like bodily damage. A tradition from Moshe teaches one pays only HALF for pebbles kicked by an animal.

#### Rava's Rule:

Any case where a Zav is Metamei (by touching) → Similar damage pays FULL.

Any case where a Zav is NOT Metamei (thrown object) → Similar damage pays HALF.

#### Rava's Question:

**Question:** If an animal stepped on a vessel and it rolled elsewhere and broke there, what's the law?

Does it depend on the beginning (bodily damage) or when it breaks (Tzeroros)?

This question is unresolved.

### Section 3: Pebbles (Tzeroros)

#### The Beraisa:

An animal is Mu'ad to walk normally and break things.

Full damage for: body, hair, saddle, bag, bridle, bell, or donkey with load.

**Sumchus says:** Pebbles pay full damage; pig that strewed refuse pays full damage.

#### The Chicken Cases:

If chickens fluttered and broke vessels with WINGS → Full damage.

If WIND from wings broke vessels → Half-damage.

Sumchus says full damage.

#### Section 4: When Is Ko'ach Considered Tzeroros?

#### Rava's Explanation:

**Rava:** Sumchus holds impetus (setting something in motion) is like bodily damage.

**Question:** Chachamim should either pay full (like bodily) or be exempt!

**Beraisa:** If someone only has one quality of land, everyone collects from that. But if he has multiple qualities:

- Best, medium, worst → Each gets their entitled quality
- Best and medium → Victims get best; creditors and ex-wives get medium
- Medium and worst → Victims and creditors get medium; ex-wives get worst
- Best and worst → Victims get best; creditors and ex-wives get worst

**Question:** Wait! In the last case, why do creditors get worst? If "medium" means based on HIS land, then his worst IS his medium!

**Answer:** The case is he HAD best land but sold it. The creditor already had a lien on the medium-quality land (which now looks like worst).

**Another Beraisa** says when someone has medium and worst, creditors get WORST (not medium). This contradicts!

#### Four ways to resolve the contradiction:

1. Beraisa #1: He had best and sold it. Beraisa #2: He never had best
2. Both: He didn't sell best. Beraisa #1: His medium is like world's best. Beraisa #2: It's not
3. Both: His medium isn't like world's best. They argue about whether "medium" means his land or world standard
4. They argue about Ula's law: Does Torah law say creditors get worst (and rabbis upgraded to medium), or does Torah law say medium?

### Section 3: Collecting from Buyers

**Beraisa:** If someone sold all three qualities (best, medium, worst):

- To ONE person or THREE people at the SAME time → They're all treated like the seller (each type of claimant takes their entitled quality)
- To people at DIFFERENT times → Everyone collects from the LAST buyer first

**Why?** The earlier buyers can say "When I bought, there was still other land available. You should collect that first!"

**Complex case:** One person bought all three at different times, and the last purchase was best land.

**Question:** Why don't all claimants just take from the best?

**Answer:** The buyer threatens: "Either accept what you're entitled to, or I'll return the worst land to the seller, and you'll ALL have to collect from worst!"

**Problem:** Why can't he threaten the victim too?

**Answer:** The seller died. Orphans don't have to pay their father's debts from their own property. So returning the land doesn't help.

**Different answer:** The buyer says "I don't want the rabbinical protection that says collectors can't take sold property when the seller still has land!"

This is like Rava's teaching: You can waive rabbinical protections meant to help you.

### More complex cases about when multiple people buy and sell parts of the estate...

The bottom line: There are complicated rules about who collects from whom when property gets sold

multiple times, and whether the current owner can appeal to the original seller if his property gets taken.

### Section 4: When Can the Seller Challenge the Collection?

**Abaye:** If Reuven sold land to Shimon with a guarantee (Achrayus - he'll compensate if it gets taken), and a creditor takes it, Reuven can challenge the creditor in court.

**Why?** Because if the creditor wasn't entitled to take it, Shimon will sue Reuven for compensation.

**Version #2:** Even if Reuven sold WITHOUT a guarantee, he can challenge the creditor.

**Why?** Reuven can say "I don't want Shimon complaining about me" (even though technically Reuven isn't obligated).