## (סיום הפרק) א 17a (משנה ד') 20.1.13; 15b (סיום הפרק)

- - I משנה דו: List of the ממים and מועדים
    - a אמים 5 ממים: ox is not considered מועד to (¹)gore, (²)push, (³)bite, (⁴)jump or (5)kick
    - b מועדים 3: (1)ox will eat what is fit for it, (2)trample as it walks, (3) שור מועד, (4)an ox that damages ברשות הניזק and (5)people
      - i observation: liability for אבר הניזק של presentation of תצר לכנן (contra ע"ר) who extend ½ הניזק to מוק לי או הניזק לכנון (contra ע"ר) הבנן
        - 1 contradiction: 4th item on list of מועד always רשות הניזק who finds אר"ט who finds קרן ברשות הניזק always מועד
        - 2 answer1 (שמואל): משנה follows mixed authorship
        - 3 Answer2 (משנה follows ר"ט case is a jointly owned area
          - (a) where both ניזק and ניזק have rights to let their animals walk
          - (b) only the ניזק has rights for פירות
            - (i) →in re: שן, considered חצר הניזק
            - (ii) →in re: קרן, considered רה"ר
          - (c) Challenge (ד"ט authorship can't be ר"ט since it lists (מעד) "eating what is fit" to מועד, liable for all
            - (i) Explanation: no תם in רשות הניזק
        - 4 Rather (answer3- משנה :ר' זביד follows רבנן and is deficient:
          - (a) List: of 5 ממים then if they establish a pattern become שן ורגל) מועד aren't on that list)
            - (i) Additionally: שן ורגל are always מועדין but only בחצר הניזק
        - 5 Rather (answer 3a מים 5: רבינא): אור המזיק ברשות הניזק (that's "שור המועד"); שור המזיק ברשות הניזק (that's "שור המועד")
          - (a) Additionally: there are other animals that are always מועד (wolf etc.) (supporting ברייתא
        - (b) Alternate: משנה resolved contradiction within משנה there are more than 5 מועדין (answer as above)
      - ii תם s analysis of תם #4 (jumping) (3 versions)
        - Version #1: only applies to large vessels; but it is מועד to jump on small vessels
          - (a) Possible support: משנה ruling that an animal is מועד to jump on vessels (must be small ones, משנה large)
          - (b) Rejection: perhaps ברייתא refers to trampling them "מן הצד" (from the side) but not trampling
        - 2 *Version*#2: applies also to large vessels
          - (a) Challenge: ברייתא (as above) Defense: ברייתא refers to damage מן הצד
        - Version #3: contradiction presented between משנה/ברייתא
          - (a) Resolution(מועד for large vessels; מועד for small ones
    - c אבוע animals: wolf, lion, bear, tiger and cheetah (צבוע andds striped hyena; צבוע adds the snake)
      - i dissent: ר"א says if they are domesticated, not מועד, but the snake is always מועד
        - 1 Challenge (to א"ז's addition of the snake in מועד; (answer read "also the snake") מועד; (answer read "also the snake")
        - שמואל: if a lion rips meat from a living animal ברה"ד exempt (akin to שן); if he kills first, אינב damages (akin to קרן)
          - 1 Challenge: v. 1 implies that טריפה is its normal way (each phrase in the verse explained →not its usual manner)
          - l Challenge: ברייתא ruling that if an animal went into חצר הניזק, killed and ate pays full (i.e. considered שן
            - (a) Answer: it killed and left there and later ate (challenge how to know? and שמואל's case may be same)
              - (i) Answer1: read separately: if it killed and left the food or דרסה full ;;
              - (ii) Answer2: שמואל ruling is in re: domesticated lion as per א"ז; but was attested (→ נזק שלם)
                - 1. Question: should be taught along with חולדות but was taught as קרן of קרן but was taught as קשיא שן
  - II משנה ד2: Distinction between תם/מועד
    - a pays ½ damages from the proceeds of its body
    - b pays full damages from "עלייה" (homiletic explanations of vv. 2-13, including definition of מיטב ← עלייה (מיטב לייה" domiletic explanations of vv. 2-13, including definition of מיטב אַנייה (מיטב עלייה).