## 20.2.02

18a (בעי רבא חצי נזק צרורות) → 19a (בעי הלכה כלל תיקו)

- I מיטב or from the body of the מיסב get paid from מיטב or from the body of the מזיק's animal?
  - a Argument for מגופו: we never find ½ being paid from anything but the sale of the animal (תם)
  - b Argument for ייטב. we never find "normal" damages being paid from another but מיטב
  - c Suggested source: dispute as to whether fowl "dancing" and shooting out rocks that damage is מועד (parallel issue)
    - i Rejection: that dispute is סומכוס/רבנן about צרורות as ½ as
  - d Suggested proof: ruling about a dog that takes a hot cake and takes a coal with it; while eating it, starts a fire
    - i Ruling: נזק שלם for the cake (שון); ½ נזק for the fire (א"ר dissents full payment for both)
      - 1 Assumption: ½ נזק is for צרורות
      - 2 Additionally: ברייתא, commenting on ruling, states that the ½ מגופו → מגופו → מצי נזק צרורות מגופו
        - (a) Rejection: נזק שלם מגופו couldn't require נזק שלם!
      - 3 Rather: the enflaming must have been an unusual form of זָדָן (a la יוֹדָם (מם follows ר"ט re:קרן (תם) ברשות הניזקי
      - 4 Rejection: נזק שלם is due to סומכוס's approach (נזק שלם pay נוק שלם) and he follows נזק שלם "ז's approach (נוק שלם).
        - (a) איי יהודה when paying for מגופו since the מגופו since the תם since the מ"א → י"א rules that ½ is מגופו מגופו מועדת
          - (i) Rejection: מועד from the start (מועד that became מועד; this is מועד from the start (צרורות)
          - (b) Rather: א"ז must find liability for נזק שלם when the animal has been attested (מועד) for this kind of צרורות
            - (i) And: the dispute is whether there is any העדאה (attestation) of צרורות
              - 1. Challenge: רבא posed the question if there is העדאה לצרורות should simply be dispute ה"א/חכמים
              - 2. Answer: רבא asked his question according to סומכוס (1/2 נזק for נזק (צרורות); סומכוס מככפף סומכוס
                - a. And: רבנן (of ר"א) find ½ liability since there was no העדאה for this unusual נזק
                - b. קרן תם ברשות הניזק in re: קרן תם ברשות full damages
                  - i. Challenge: מגופו maintains full damages but why would we think that he avers מגופו?
                  - ii. Answer: indeed, he does since he derives the liability from מגופו → מגופו (מגופו) קרן תם
                  - iii. *Challenge:* ר"ט rejects the limiting principle of דיו
                  - iv. *Answer*: ק"ט only limits דינ when it renders the ק"ו useless which isn't the case here
- II Revisiting צרורות's question re: attestation for צרורות
  - a Argument for ברורות. העדאה are compared to קרן which is the model of attestable-behavior
  - b Argument against צרורות: is a subset of העדאה no העדאה
  - c Suggested parallel: dispute if secondary damages coming from fowl-dancing is מועד
    - i Assumption: there was a pattern only if we accept העדאה do we consider this מועד
    - ii Rejection: reference is first time dispute follows סומכוס/רבנן
  - d Suggested parallel: if an animal defecated onto dough: רב יהודה finds full liability and א"ז 1½ liability
    - i Rejection: 1st time dispute follows סומכוס/רבנן
      - 1 Attempted block: this is משונה (unlike צרורות which are merely secondary and inadvertent)
      - 2 Answer: it was a narrow place and the animal couldn't move away
    - ii Challenge: why don't אמוראים simply align with respective תגיים (e.g. רב יהודה should state: הלכה כסומכוס)
      - 1 Answer: we might not have applied ירבנן s approach to this case since the feces come from its body not צרורות
  - e Suggested parallel: dispute among אמוראים if an animal's screech breaks vessels חצי נזק/נזק שלם
    - i Rejection: 1st time dispute follows סומכוס/רבנן
      - 1 Attempted block: this is משונה
      - 2 Answer: there were seeds in the vessel, so the animal sticking its head in there isn't משונה
- III צרורות's questions about צרורות
  - a "odd צרורות" is payment ¼ damages (1/2 of what "normal" צרורות would be) or ½?
    - i Suggested solution: from בא"s question about העדאה לצרורות which is only possible if "odd" אַרורות 2 pay ½
      - 1 Rejection: אבי posed his question as provisional if there is no ¼ -payment for "odd" צרורות
  - b According to סומכוס, is tertiary damage (כח כחו) where the animal kicks a stone, which knocks another stone into a vessel and breaks it considered ½ or full?
    - i Argument for  $\frac{1}{2}$  perhaps סומכוס received the tradition of צרורות but one step removed (→ in this case, "ת"נ,
    - ii Argument for full perhaps he never received the tradition of מיקו at all תיקו