

**A** ט"ד

Intro

Today we will learn בע"ה of בבא קמא דף נ"ט  
Some of the topics we will learn about include.

A Braisa that discusses methods of assessing damage done to produce in all its stages;

1.  
קטמה נטיעה  
If the animal uprooted a young tree,

2.  
The Machlokes regarding  
אכלה חזיז  
If the animal ate שחת, hay, and before the actual crop grew;  
Whether שחת is assessed as grown fruits or not?

3.  
The Machlokes regarding  
אכלה סמדר  
If the animal ate fruits while they were in their initial stage;  
Whether סמדר is assessed as grown fruits or not?

**A**

קטמה נטיעה

אכלה חזיז

אכלה סמדר

**B** The Machlokes regarding

בכחש גופנא  
Whether we deduct from the תשלומין amount, the damage that grown ענבים would usually cause by weakening the vine, while here there was no actual damage to the vine?

The Machlokes regarding  
בנזקי גופו  
If a person causes damage to a field, do we also assess the damage בששים, or as per the actual damage.  
And a distinction of what type of tree;

The Mishnah's Halachah of  
המגדיש בתוך שדה חבירו שלא ברשות  
If a person stored his produce in someone else's field without permission, and that person's animal ate the produce, or was injured by the produce;

**B**

בכחש גופנא

בנזקי גופו

המגדיש בתוך שדה חבירו  
שלא ברשות

1 So let's review ...

The Gemara in the previous Daf mentioned a Braisa that discussed the methods of assessing damage to produce in all its stages.

1.

קטמה נטיעה

If an animal uprooted a young tree;

רבי יוסי אומר גוזרי גזירות שבירושלים אומרים

נטיעה בת שנתה

שתי כסף

בת שתי שנים

ארבעה כסף

The חכמים initiated a קנס, a penalty, that for a one year old tree, the owner of the tree, the גזירה's owner pays a minimum of two silver coins, and for a two year old tree he pays four silver coins.

2

2.

אכלה חזיז

If the animal ate while it was still שחת, hay, and before the actual crop grew;

רבי יוסי הגלילי says

נידון במשווייר שבו

We consider the שחת as the fruits that eventually grew in the same field, and the מזיק pays the higher price of those fruits.

The חכמים disagree and hold we do not consider the שחת as grown fruits, but rather

רואין אותה כמה היתה יפה

וכמה היא יפה

We assess the damage through the decrease in value of the entire סאה, its worth before the ערוגה was damaged, and after the ערוגה was damaged, and the מזיק pays the difference; and as the Gemara in the previous Daf explained

בששים

The value of a סאה is assessed according to a larger field of ששים סאה.

1

*Methods of assessing damage to produce in all its stages.*

1

**קטמה נטיעה**

If an animal uprooted a young tree;

רבי יוסי אומר - גוזרי גזירות שבירושלים אומרים

**נטיעה בת שנתה**

**שתי כסף**

**נטיעה בת שתי שנים**

**ארבעה כסף**

2

**אכלה חזיז**

If the animal ate while it was still שחת, hay, and before the actual crop grew

וחכמים

רבי יוסי הגלילי

**רואין אותה כמה היתה יפה וכמה היא יפה**

We assess the damage through the decrease in value of the entire סאה, its worth before the ערוגה was damaged, and after the ערוגה was damaged, and the מזיק pays the difference.

As the Gemara previously explained

בששים - the value of a סאה is assessed according to a larger field of ששים סאה.

**נידון במשווייר שבו**

We consider the שחת as the fruits that eventually grew in the same field, and the מזיק pays the higher price of those fruits.

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3. אכלה סמדר  
 If the animal ate fruits while they were in their initial stage;  
 רבא רבי יהושע says  
 רואין אותן כאילו הן ענבים עומדות ליבצר  
 We consider סמדר as fully grown fruit ready to be harvested, and the מו"ק pays the higher price of grown fruits.

Here too, the חכמים disagree and hold we do not consider the סמדר as grown fruits, but rather רואין אותה כמה היתה יפה וכמה היא יפה

רבי שמעון בן יהודה אומר משום רבי שמעון בד"א בזמן שאכלה לולבי גפנים ויחורי תאנים Only shoots that had no fruits are considered and assessed by רואין אותה כמה היתה יפה וכמה היא יפה  
 According to the field;  
 אבל אכלה סמדר פגין או בוסר  
 But fruits in their initial stages  
 רואין אותן כאילו ענבים עומדות ליבצר  
 Are considered fruit and assessed accordingly;

As the Gemara explains, the distinction between רבי יהושע and רבי שמעון is in בכחש גופנא ולא מסיימי  
 Whether we deduct from the תשלומין amount, the damage that grown ענבים would usually cause the vine to become weakened, although there was no actual damage done to the vine;  
 However, it is not clear which opinion considers כחש גופנא

The חכמים however disagree with both and hold that we do not consider סמדר as fully grown fruits but rather as שחת and therefore רואין כמה היתה יפה וכמה היא יפה ובששים  
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### אכלה סמדר

If the animal ate fruits while they were in their initial stage;

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| <p><i>חכמים</i></p> <p><b>רואין אותה כמה היתה יפה וכמה היא יפה</b></p> <p><i>We assess the damage through the decrease in value of the entire ענבה, its worth before the ערובה was damaged, and after the ערובה was damaged</i></p> | <p><i>רבי אלעזר בן ירמיהו ואלון רבי אלעזר</i></p> <p><b>בד"א בזמן שאכלה לולבי גפנים ויחורי תאנים</b></p> <p><i>Only shoots that had no fruits are considered שחת</i></p> <p><b>אכל אכלה סמדר פגין או בוסר</b></p> <p><i>Fruits in their initial stages</i></p> | <p><i>רבי יהושע</i></p> <p><b>רואין אותן כאילו הן ענבים עומדות ליבצר</b></p> <p><i>We consider סמדר as fully grown fruit ready to be harvested, and the מו"ק pays the higher price of grown fruits.</i></p> |
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The חכמים however disagree with both and hold that we do not consider סמדר as fully grown fruits but rather as שחת.

The distinction between them is in בכחש גופנא – ולא מסיימי  
 Whether we deduct from the תשלומין amount, damage that grown ענבים usually cause a vine to weaken, although there was no actual damage done to the vine, כחש גופנא  
 However, it is not clear which opinion considers

4 The Gemara mentions other תנאים who also hold that we deduct the potential כחש from the תשלומין;  
As the Braisa that refers to ולדות דמי cites a Machlokes;  
רבי יוסי אומר  
נכי חיה  
We deduct from the ולדות דמי the costs of a midwife, and certainly  
נכי מזונות  
We deduct the extra food costs for a מעוברת.  
מעוברת בן עזאי disagrees and says  
נכי מזונות  
We only deduct from the ולדות דמי the extra food costs for a מעוברת, but not נכי חיה because  
דאמר ליה אתתא דידי פקחא היא  
ולא מבעיא חיה  
The husband claims that his wife is capable in giving birth on her own, without a midwife.

Nevertheless, we see that both opinions agree that we deduct that which the ניזק saved.

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5 The Gemara in the previous Daf mentioned a Machlokes regarding  
בנזקי גופו  
If a person caused damage to a field;  
and רב פפא ורב הונא בריה דרב יהושע רב נחמן ruled  
בששים  
The היזק is assessed according to a field sixty times larger than the actual היזק, which is less, as with ממונו.  
While the ריש גלותא ruled that the היזק is assessed according to the actual damage, which is more, as רבא explains;  
אם אמרו בנזקי ממונו  
יאמרו בנזקי גופו  
Only if an animal causes damage to a field, were the חכמים lenient to the מזיק and the damage is assessed בששים; but if a person causes damage to a field, the חכמים were stringent and the damage is assessed according to the actual damage.

The Gemara now concludes with the following distinction:

והלכתא כוותיה דרב פפא ורב הונא בריה דרב יהושע  
בדקלא דארמאה  
Regarding an average palm tree, he pays בששים, according to the field, which is less, because it does not possess its own value.  
והלכתא כוותיה דריש גלותא  
בדקלא פרסאה  
Regarding a unique palm tree, he pays for the actual tree, which is more, because as Rashi explains  
חשוב הוא מאוד  
ונישום בפני עצמו  
It does possess its own value.

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4 The Gemara mentions other תנאים who also hold that we deduct the potential כחש from the תשלומין;

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| <p>בן עזאי</p> <p><b>נכי מזונות</b></p> <p>We only deduct from the extra food costs for a מעוברת, but not נכי חיה - because the husband claims that his wife is capable of giving birth on her own.</p> | <p>רבי יוסי אומרי</p> <p><b>נכי חיה</b></p> <p>We deduct from the ולדות דמי the costs of a midwife, and certainly</p> <p><b>נכי מזונות</b></p> <p>We deduct the extra food costs for a מעוברת.</p> |
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Nevertheless, we see that both opinions agree that we deduct that which the ניזק saved.

5 **בנזקי גופו**  
If a person caused damage to a field;

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| <p>רש גלותא</p> <p>The היזק is assessed according to the actual damage, which is more,</p> | <p>רב נחמן - רב פפא ורב הונא בריה דרב יהושע</p> <p><b>בששים</b></p> <p>The היזק is assessed according to a field sixty times larger than the actual היזק, which is less, as with ממונו.</p> |
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As רבא explains;  
**אם אמרו בנזקי ממונו יאמרו בנזקי גופו**  
Only if an animal causes damage to a field, were the חכמים lenient to the מזיק and the damage is assessed בששים; but if a person causes damage to a field, the חכמים were stringent and the damage is assessed according to the actual damage.

**ובלכתא כוותיה דרב פפא ורב הונא בריה דרב יהושע בדקלא דארמאה**  
Regarding an average palm tree, he pays בששים, according to the field, which is less, because it does not possess its own value.

**ובלכתא כוותיה דריש גלותא בדקלא פרסאה**  
Regarding a unique palm tree, he pays for the actual tree, which is more,  
As Rashi explains  
חשוב הוא מאוד ונישום בפני עצמו  
It does possess its own value.

**6** Zugt Di Mishnah  
 המגדיש בתוך שדה חבירו שלא ברשות  
 If a person stored his produce in someone else's field without permission;  
 ואכלתן בהמתו של בעל השדה  
 פטור  
 ואם הוזקה בהן  
 בעל הגדיש חייב  
 If the landowner's animal ate the produce, he is not liable for the produce;  
 And if the animal was injured by the produce, the owner of the grain is liable for the animal;  
 Because he had no permission to place his produce there;

ואם הגדיש ברשות  
 בעל השדה חייב  
 If he stored the produce there with permission, and the animal ate the produce, the בעל השדה is liable for the produce.

**6** משנה

**המגדיש בתוך שדה חבירו שלא ברשות**  
*If a person stored his produce in someone else's field without permission*

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| <p><b>ואם הוזקה בהן<br/>בעל הגדיש<br/>חייב</b></p> <p><i>If the animal was injured by the produce, the owner of the grain is liable for the animal;<br/>Because he had no permission to place his produce there.</i></p> | <p><b>ואכלתן בהמתו<br/>של בעל השדה<br/>פטור</b></p> <p><i>If the landowner's animal ate the produce he is not liable for the produce.</i></p> |
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**ואם הגדיש ברשות - בעל השדה חייב**

**7** The Gemara asks  
 לימא תנן דלא כרבי  
 Perhaps the Mishnah does not concur with רבי in Daf ב"ז who holds  
 עד שיקבל עליו בעל הבית לשמור  
 Even if the בעל השדה does give the בעל הגדיש permission to store his produce in his property, he is not liable unless he specifically agrees to guard the produce?

פפא explains that the Mishnah does concur with רבי and this is a case of  
 בנטר בי דרי  
 The people in the area were all accustomed to store their grain in one field and one person was appointed to guard all their produce in his field. Therefore,  
 דא"ל עייל וגדוש  
 עייל ואנטר לך הוא  
 When the בעל השדה gave the בעל הגדיש permission to store his grain, he meant to guard the grain as well.

**7**

**לימא תנן דלא כרבי**  
*Perhaps the Mishnah does not concur with רבי who holds*

**עד שיקבל עליו בעל הבית לשמור**  
*Even if the בעל השדה does give the בעל הגדיש permission to store his produce in his property, he is not liable unless he specifically agrees to guard the produce?*

*פפא explains*

*The Mishnah does concur with רבי and this is a case of*

**בנטר בי דרי**  
*The people in the area were all accustomed to store their grain in one field and one person was appointed to guard it all.*

*Therefore,*

**דא"ל עייל וגדוש  
עייל ואנטר לך הוא**  
*When the בעל השדה gave the בעל הגדיש permission to store his grain, he meant to guard the grain as well.*