**מסכת בבא קמא-פרק א- מתיבתא דישיבת רבינו יצחק אלחנן- תשע"ח**

 **דף יא. 'אמר שמואל' עד ואמר עולא אמר ר"א הלכתא גובין' (יא:)**

**בהצלחה!**

**Sheet #3**

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| **Words & Background Concepts****Daf יא.****Intro:** We learned last week that the מזיק does not need to pay the full value of the שור that was damaged but rather only needs to pay the difference b/t the value of the שור while it was alive and it’s worth as a carcass. The Gemara now is going to discuss whether the same rule applies to a גנב and a גזלן or we say they must pay the full value of the item where a final psak will be issued by עולא in the name of ר' אלעזר The Gemara will then go onto cite several more rulings by עולא בשם ר' אלעזר that are unrelated to each other:1. **נרגא-** ax
2. **מעליא-** good
3. **שליא- Background:** In general, a woman only becomes טמא if she sees דם but the Torah says (ויקרא יב:א-ה) that when a woman gives birth or miscarries she is automatically טמא even if she did not see any דם. She is טמאה for 7 days if she had a boy & for 14 days if she had a girl. The Gemara discusses a case where a woman miscarried a שליא (amniotic sac[[1]](#footnote-1)) where we could not tell if the fetus was there. Despite this, she is still טמאה since the Halacha is that we always assume there is a fetus (ולד) in a שליא that comes out & it simply just dissolved.
4. **שיצאה מקצתה ביום ראשון ומקצתה ביום שני- Background**: In general, the טומאה begins once the majority of the fetus has come out. In עולא’s case, the שליא came out partially on the 1st day & partially on the 2nd day & עולא says that we assume most of the fetus came out on the 1st day & hence we assume she is טמאה already from day 1. This ruling of עולא is based on the assumption that **אין מקצת שליא בלא ול**ד which means that we always assume that a part of the fetus comes out even when the amniotic sac only emerges partially.
5. **לחוש-** to be concerned for טומאה
6. **סימן ולד-** the amniotic sac is a sign of a fetus
7. **סימן ולד בבהמה- Background:** In general when one shechts an animal, it is מותר to eat anything inside the animal including the fetus. However if the fetus extended a limb outside the mother’s body before the שחיטה, then it is אסור to eat that limb. However in a case where part of the amniotic sac came out of the animal, one may not eat the entire sac, even the part that had remained inside the mother. Why? The Mishna explains that anytime there is a partial emergence of the שליא, it is a sign that some of the fetus came out & since we are not sure if the majority of the fetus came or out (since it is dissolved) we have to be מחמיר that most of the fetus came out & was “born” before the שחיטה of the mother & hence does not become permitted through the שחיטה of the mother.

**Questions to think about on יא.**

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| 1. What is the Gemara’s final ruling regarding whether we evaluate for a גנב וגזלן and a שואל?
2. What is the source/reason why the rule is different for a גנב וגזלן than a מזיק?

See Tosafos d’h אין (will be extra credit) 1. What is the rule of אין מקצת שליא בלא ולד?
2. How did רבא explain the חידוש of עולא in the case when the שליא comes out partially on the 1st & partially on the 2nd?
3. Why was it necessary for עולא to teach that we view the woman as טמאה from the first day that the שליא emerges?
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**Daf יא: Part 1**1. **שנטרף**- killed
2. **אין פודין אותו**- we do not redeem him. The Torah says that all firstborn sons should be redeemed when they reach 30 days old. This is accomplished by the father paying 5 סלעים to a כהן.
3. **בהמה גסה**- large animal (like a cow or donkey)
4. **מסירה**- handing over (seller passes the reigns to the buyer)
5. **מה שעליהן**- what is on them (i.e the clothes they are wearing)
6. **דלשתמעון מיליה-** his words be heard

**Questions to Think About on Daf יא:**

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| 1. What is the חידוש of עולא in the case of בכור שנטרף? See Rashi d’h אין פודין אותו
2. How did עולא teach one is a קונה a בהמה גסה?
3. In which case do we not evaluate the clothing the אחים are wearing?
4. What is the מחלוקת b/t עולא and רבא regarding שומר שמסר לשומר? Know the reasons for each one.
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1. 1. the fluid-filled sac that contains and protects a fetus in the womb. shkoyach google. [↑](#footnote-ref-1)