



Animals on Trial

This week we began a new *masechet* – *Sanhedrin*. The *Tosfot* (2b) explains that having just learnt the *dinim* covered by the three “*Bava*”s, we start to learn how they are judged or more specifically, how many judges are required to rule on the different sections of law. The first *perek* covers a very broad range of laws and specifies for each one whether a *Beit Din* of three, twenty-three or seventy-one judges are required. The fourth *Mishnah* mentions that twenty-three judges are required to rule on capital offences.

We learn that even the sentencing of an animal can require a *Beit Din* of twenty-three. One such case is an ox that kills a person and will be sentenced to *skila*. The *Mishnah* learns this from the *pasuk* that teaches that “...the ox is stoned and the owners shall also die.” In truth the owner is not sentenced to death for the offence of his ox. The *pasuk* however teaches that the sentencing of the ox is the same fashion as if the owner was sentenced.

The *Mishnah* then continues with a debate regarding a list of wild animals – wolf, lion, bear etc. The *Tana Kama* maintains that a *Beit Din* of twenty-three are required. *R' Eliezer* however says, “*kol ha'kodem la'horgan zacha*” – who ever kills the animal first merits; in other words a *Beit Din* is not required.

A debate ensues in the *Gemara* (15b) regarding the opinion of *R' Eliezer*. *Reish Lakish* understands that the discussion in the *Mishnah* is only regarding a case where these animals have killed someone. *R'*

Yochanan however understands that this case is even if they have not killed anyone.

The *Gemara* understands that according to *Reish Lakish*, these animals can be domesticated whereas *R' Yochanan* disagrees. *Rashi* explains that if they can, then one is allowed to raise them since they can be trained not to cause damage. Consequently, they are considered owned and not *hefker*. If however they kill someone, it proves that they could not be tamed and *R' Eliezer* understands that the involvement of *Beit Din* is not necessary. *R' Yochanan* however maintains that *R' Eliezer* understands that these animals can never be tamed and even if they have not killed, anyone can kill them.

Returning to *Reish Lakish's* understanding of *R' Eliezer*. Recall that *Rashi* explains that if they killed, it is evidence that the animal could not be tamed. The *Yad Rama* however disagrees with this explanation since we find that *R' Eliezer* also rules accordingly in cases involving horses, donkeys and other animals that can be domesticated. *R' Eliezer's* position is based on the *pasuk* “you shall remove evil from your midst” – the animal is a danger and it should be prevented from causing damage. According to *R' Eliezer* the case of the ox as specified by the *Torah* is an exception. The debate between *R' Eliezer* and the *Tana Kama* is therefore whether we learn from the ox (much like in *Shabbat*) to other animals as well.

Yisrael Yitzchak Bankier

Revision Questions

בבא בתרא ט" ט"ו י' ח'

- What case is discussed where there would be a dispute and how is it resolved if a house collapsed on:
 - A man and his wife? (ט"ו: ט')
 - A man and his mother? (י': ט')
 - What is the difference between a *get pashut* and a *get mekushar* regarding:
 - The location of the signatures? (י': א')
 - The number of witnesses? (י': ב')
 - What is the law if two different sums of money were written in a loan document? (Include two different cases.) (י': ב')
 - Can a *get* be written in the absence of the wife? (י': ג')
 - What other two cases share a similar law to the previous question? (ג': ג')
 - Regarding a share-cropping agreement, who finances the writing of the contract? (ד': י')
 - What does *Rabban Shimon ben Gamliel* argue regarding settlement documents produced by *beit din*? (ד': י')
 - What is the case in the *Mishnah* that involves a debate regarding an *asmachta*? (ה': י')
 - If a loan document was badly damaged, what must a person do in order for *beit din* to draw up a replacement document and how is such a document termed? (ו': י')
 - What are the two opinions about what should be done if a person partially pays off a loan? (ו': י')
 - What is the limitation placed on an inherited olive press and when does this limitation apply? (ז': י')
 - What is the law regarding documents where the name of the borrower is shared by a number of people in that town? (ז': י')
 - What is a solution offered to the case in the previous question? (ז': י')
 - What is the law regarding a case where, on his death bed, the father tells his son that one of the loan documents in his collection has already been paid? (ז': י')
 - Regarding the previous case, what if there were two documents in the collection applying to a single borrower? (ז': י')
 - At the foreclosure of a loan, when can the debt be collected from the guarantor? (ז': י')
 - What case is brought that is similar to the previous case and what is the law regarding that case? (ז': י')
 - In which three cases is a debt collected from *nechasim bnei chorin*? (ח': י')
 - Which area of *Torah* should one learn if he wishes to "acquire wisdom"? (ח': י')
- סנהדרין א' א' ד'
- Provide three areas in law where everyone agrees that a *beit din* of three judges is required. (א': א')
 - Explain the debate between *R' Meir* and the *Chachamim* regarding the number of judges required for a case of *motzi shem ra*. (א': א')
 - How many judges does *R' Yishmael* require for a case involving lashes? (ב': א')
 - What are the two opinions regarding the number of judges required for *ibur shannah*? (ב': א')
 - What are the two opinions regarding the number of judges required for *arifat eglah*? (ג': א')
 - What is special about the judges that *R' Yehuda* requires for the redemption of *erachin*? How many judges does he require? (ג': א')
 - How many judges are required for capital cases? (ד': א')
 - Do capital cases also apply to animals? Who disagrees and when? (ד': א')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishnah/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendar/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
7 th June כ"ב תמוז	8 th July כ"ג תמוז	9 th July כ"ד תמוז	10 th July כ"ה תמוז	11 th July כ"ו תמוז	12 th July כ"ז תמוז	13 th July כ"ח תמוז
Sanhedrin 1:5-6	Sanhedrin 2:1-2	Sanhedrin 2:3-4	Sanhedrin 2:5-3:1	Sanhedrin 3:2-3	Sanhedrin 3:4-5	Sanhedrin 3:6-7

