

והתניא וכן היה – But we have learnt; ‘and similarly an animal’

OVERVIEW

maintains that טרף is משונה by a lion (and is חייב a ח"נ). The גמרא challenges this from a ברייתא which states that an animal who is טורף pays a נ"ש; indicating that טרף is not משונה. Our תוספות will reject several possibilities that seemingly reconcile שמואל with the ברייתא.

asks: תוספות

תנימה ולוקמה בזאב דאורחיה לטרופ -

It is astounding! Let us establish the ברייתא in the case of a wolf, whose manner is to be טורף. That is why he pays a נ"ש בחצר הניזק, for it is שן, since it is אורחיה of a זאב to be טורף. This does not contradict שמואל who is discussing a lion!

answers: תוספות

ויש לומר דחיה סתם קתני בין בארי בין בזאב¹ -

And one can say; that the ברייתא states an unspecified animal, indicating that we are discussing **both a lion and a wolf.** The question on שמואל is from the case of a lion where the ברייתא states that he is חייב a נ"ש, even though that according to שמואל it is not אורחיה.

anticipates an additional question: תוספות

ולא הוה מצי לשנויי דכרבי טרפון אתיא -

And the גמרא could not have answered the question on שמואל by maintaining that this ברייתא is according to ר"ט -

דאמר (לעיל יד,א) משונה קרן בחצר הניזק נזק שלם משלם -

Who stated that קרן is unusual; it pays a נזק שלם in the חצר הניזק. Seemingly this would remove the difficulty on שמואל. Indeed טרף is considered משונה for a lion (it is קרן), nevertheless בחצר הניזק it pays a נ"ש according to ר"ט, who maintains that קרן pays a נ"ש בחצר הניזק.

replies that we cannot assume that this ברייתא is according to ר"ט and he is חייב a נ"ש since it is קרן ברשות הניזק – תוספות

מדקתני לה גבי תולדה דשן כדמסיק² :

Since this ברייתא is being taught concerning the תולדה of שן, as the גמרא concludes later. According to שמואל, however, טרף by a lion is קרן; not שן.

¹ See ‘Thinking it over’ #’s 1&2.

² See the גמרא immediately preceding the משנה.

SUMMARY

The **חיה** of **וּכֵן חִיה'** cannot be referring exclusively to a **זאב** for the word **חיה** is inclusive (of lions as well). This **ברייטא** is taught in conjunction with the laws of **שן** (not **קרן**).

THINKING IT OVER

1. Why must we say that **חיה סתם** includes a lion? Perhaps it refers to all animals (who are **טורף**) except for the lion who (alone) is **דורס**!

2. **ארי וזאב** **חיה** refers all animals including an **ארי וזאב**. Later it **דרסה ואכלה** or **טרפה להניח** if it either was **לצדדין קתני** is **ברייטא** **רנב"י** explains the **חיה** **נ"ש**. However this is true only concerning an **ארי**; by a **זאב** he will be **חייב** a **נ"ש** if it was **דרסה ואכלה** since it is not **אורחיה** to be **דורס**! [In addition it need not be **טרפה להניח** to be **חייב** a **נ"ש**.]³

³ See **אמ"ה** (footnote # 36)