

It was kicking

היתה מבעטת –

OVERVIEW

Our משנה is discussing the מזיק of רגל (it begins הרגל). It then mentions the case of היתה מבעטת. We know that kicking is a תולדה of קרן, not of רגל.¹ Why does the משנה mention it here?! תוספות resolves this difficulty.

אגב דשוה² לצרורות³ נקט לה הכא:

The משנה **mentions here** the case of היתה מבעטת, **since it is the same a** צרורות.

SUMMARY

משנה is similar to בעיטה, therefore it is mentioned in this משנה.

THINKING IT OVER

צרורות⁴ explains that היתה מבעטת is mentioned here since it is the same a צרורות. However, there are differences between צרורות and בעיטה, for צרורות is a תולדה דרגל and is רשות הניזק and pays מן העלייה⁵ while בעיטה is a תולדה דקרן and is רה"ר (even) in the מגופו⁶. How are they considered שוה?!⁷

¹ See the גמרא on ב,ב.

² Both צרורות and היתה מבעטת are similar for they pay a חצי נזק only. See 'Thinking it over'.

³ צרורות is a תולדה דרגל (see the גמרא on ג,ג); therefore the משנה mentions it here and includes מבעטת, which is also done with the foot (as צרורות), and both pay a חצי נזק.

⁴ See footnote # 2.

⁵ The entire (half damage) damage needs to be paid, even if it exceeds the value of the damaging animal.

⁶ The payment for damages is limited to the value of the damaging animal.

⁷ פני יהושע.