

Why do we learn Gemara?

What is the purpose of learning Gemara?

What is the ideal way to learn Gemara?

רמב"ם הלכות תלמוד תורה פרק א' הלכה י"א

One is obligated to divide his time of study by three; one third for the study of written Torah, one third for the study of the oral Torah, and one third for thinking and reflecting so that he may understand conclusions from the primary information, and deduct one matter from another, and compare one matter to another, and reason out by the rules in which the Torah is expounded, to the point that he may know which are the principal rules and <u>how to deduct from there which is forbidden and that which is permitted</u> , and other like matters which he studied from oral tradition. <u>This subject of study is called Gemara.</u>	וְחַיֵּב לְשַׁלֵּשׁ אֶת זְמַן לְמִדְתּוֹ. שְׁלִישׁ בַּתּוֹרָה שֶׁבְּכָתוּב. וְשְׁלִישׁ בַּתּוֹרָה שֶׁבְּעַל פֶּה. וְשְׁלִישׁ יָבִין וְיִשְׁכִּיל אַחֲרֵית דְּבָר מְרַאשֵׁיתוֹ וְיוֹצִיא דָּבָר מִדְּבָר וְיַדְמֶה דָּבָר לְדָבָר וְיַבִּין בַּמִּדּוֹת שֶׁהַתּוֹרָה נִדְרָשֶׁת בָּהֶן עַד שֶׁיָּדַע הַיָּאֵד הוּא עֶקֶר הַמִּדּוֹת וְהַיָּאֵד יוֹצִיא הָאֶסּוּר וְהַמֵּתֵר וְכִיּוֹצֵא בָּהֶן מִדְּבָרִים שֶׁלֹּא מִפִּי הַשְּׁמוּעָה. <u>וְעִנִּינָהּ הוּא הַנּוֹקְרָא גִמְרָא</u>
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According to Rambam Gemara learning is a logical process of developing and understanding halachik conclusions from the primary sources. In other words, Gemara is not about amassing information (perhaps that is what Mishna – Torah Sh’bal peh is about), Gemara learning requires intellectual investment to attain logical clarity with a deep understanding of the conclusions.

The make-up of the Mishna

The scenario	The Issue	The default position	The chidush (novelty)
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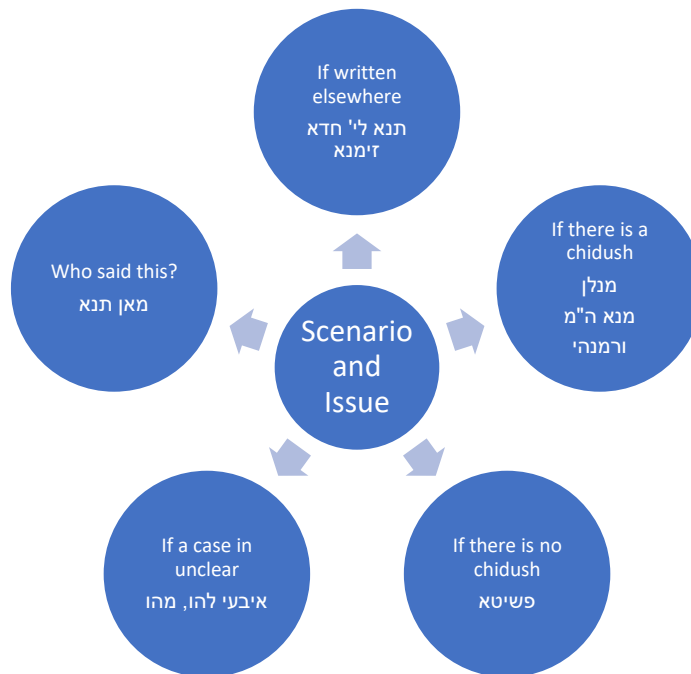
After learning the Mishna and identifying the above 4 items, do you have any question?

Identifying Keys

Key words	Key Phrases	Key concepts	Key Structure
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Always ask yourself what the goal of this Gemara, is it to?

Provide new information	Present a Problem	Solving a problem	Proving a statement	Soliciting needed information
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What was the problem the Gemara had?	How was the question answered? Was the answer compelling?	How can we know if the answer is correct?
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Skill needed to learn a new Gemara:

The background information	The exact translation of all the words	How to punctuate the sentence	What is the goal of this Gemara?
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Case 1:

One who brought sheep into the pen and locked the door before it in a manner that is appropriate, and despite this, sheep went out and caused damage in another person's field, the owner is exempt, since he safeguarded the animals appropriately. If he did not lock the door before the sheep in a manner that is appropriate, and sheep went out and caused damage, the owner is liable. If the owner locked the door appropriately but the wall of the pen was breached at night, or bandits breached it, and sheep subsequently went out and caused damage, the owner of the sheep is exempt from liability. If the bandits themselves took the sheep out of the pen and the animals subsequently caused damage, the bandits are liable.	משנה בבא קמא פרק ו' דף נ"ה עמוד ב' הכונס צאן לדיר, ונעל בפניה כראוי, ויצאה והזיקה, פטור. לא נעל בפניה כראוי, ויצאה והזיקה, חייב. נפרצה בלילה או שפרצוה לסטים, ויצאה והזיקה, פטור. הוציאוה לסטים, לסטים חייבים.
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What is the scenario? The Issue? **הכונס צאן לדיר, ונעל בפניה כראוי** ויצאה והזיקה?

What is the scenario? The Issue? **הכונס צאן לדיר, לא נעל בפניה כראוי** ויצאה והזיקה?

What is the scenario? The Issue? **נפרצה בלילה או שפרצוה לסטים** ויצאה והזיקה?

What is unclear? What is **כראוי** how is appropriate defined?

What is the default position? Without the Mishna's ruling, what would you have thought?

The Sages taught: What is considered locking in a manner that is appropriate, and what is not appropriate? If one locked the door such that it is able to withstand a typical wind without collapsing or opening, this is considered appropriate, whereas if he locked the door such that it is unable to withstand a typical wind, this is not appropriate. Rabbi Mani bar Patish said: Who is the tanna who taught that animals that are forewarned, it is sufficient for the owner to provide only minimal safeguarding? It must be in accordance with the opinion of Rabbi Yehuda, as we learned in a mishna: If the owner of an ox tied it with reins to a fence or locked the gate before it in a manner that is appropriate, but the ox went out and caused damage, whether the animal is harmless or forewarned the owner is liable because this is not considered sufficient precaution to prevent damage; this is the statement of Rabbi Meir. Rabbi Yehuda says that if the ox is harmless the owner is liable even if he safeguarded it appropriately, But if the ox is forewarned, the owner is exempt from payment of damages, as it is stated in the verse describing the liability for damage caused by a forewarned animal: “And the owner has not secured it” (Exodus 21:36), and this ox that was tied with reins or behind a locked gate was secured. Rabbi Eliezer says: A forewarned ox has no sufficient safeguarding at all other than slaughtering it with a knife. The Gemara answers: You can even say that the mishna is in accordance with the opinion of Rabbi Meir, who holds that the owner of a forewarned ox is liable even if he provides only reduced safeguarding. The halakha is different with regard to Eating and Trampling since the Torah limited the required standard of safeguarding for them.	גמרא (שם) ת"ר איזהו כראוי ואיזהו שלא כראוי דלת שיכולה לעמוד ברוח מצויה זהו כראוי שאינה יכולה לעמוד ברוח מצויה זהו שלא כראוי א"ר מני בר פטיש מאן תנא מועד דסגי ליה בשמירה פחותה ר"י היא דתנן קשרו בעליו במוסירה ונעל לפניו כראוי ויצא והזיק אחד תם ואחד מועד חייב דברי ר"מ ר' יהודה אומר תם חייב מועד פטור שנאמר (שמות כא, לו) ולא ישמרנו בעליו ושמור הוא זה ר"א אומר אין לו שמירה אלא סכין אפילו תימא ר"מ שאני שן ורגל דהתורה מיעטה בשמירתן
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After learning the Mishna and the gemara, What is the chidush of the first case in the Mishna? What is the chidush in the second scenario in the Mishna?

תוספות (שם) נפרצה בלילה - אע"פ דתנא נעל בפניה כראוי פטור אצטריך למתני נפרצה בלילה פטור כדדייק בפ"ק (דף יד.). הא ביום חייב דקלא אית ליה למילתא ומסתמא ידע שנפרצה אי נמי בלילה אפילו נודע לו שנפרצה ויצתה הבהמה אין לו לטרוח יותר מדאי לחזר אחריה באפילה:
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What is bothering Tosafos? How does Tosafos resolve his problem?

Case 2:

One who places a <i>kad</i> in the public domain and another person comes and stumbles on it and breaks it, the person is exempt from paying for what he broke. And if the one who stumbled incurred damaged by it, the owner of the <i>chavis</i> is liable to pay for his damage.	משנה בבא קמא פרק ג' דף כ"ז עמוד א' המניח את הכד בִּרְשׁוֹת הָרַבִּים וְכֹא אַחֵר וְנִתְקַל בָּהּ וְשָׁבְרָהּ, פְּטוּר. וְאִם הִזִּיק בָּהּ, בַּעַל הַחֲבִית חַיֵּב בְּנִזְקוֹ.
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What is the scenario? What is the issue? Are there any inconsistency in this Mishna? What is the default position before you read this Mishna? What is the chidush? Does the chidush make sense to you?

The mishna began its presentation of the case using the word <i>kad</i> and ended it in using the word <i>chavis</i>. Why did it change words? Rav Pappa said: These examples show that a kad is the same as a chavis, and the two words are used interchangeably. What difference does it make if the words are interchangeable? This makes a difference for buying and selling. If a customer asks for a chavis, intending a large vessel, and the seller gives him a kad, which is a smaller vessel, the buyer cannot claim that he did not receive the item he asked for. The Gemara asks: What are the circumstances where this is relevant? If we say that we are referring to a place where people do not refer to a kad as a chavis, nor do they refer to a chavis as a kad, and therefore a chavis is understood to be referring to a larger vessel, clearly one who asks for a chavis does not wish to buy a kad, as people do not call it that. The Gemara answers: No, it is necessary to teach that they are equivalent terms for a place where most people call a kad a kad and a chavis a chavis, and there are also those who call a chavis a kad and a kad a chavis. Lest you say that the halakha follows the majority and the seller and the buyer must accept this distinction, The mishna teaches us that the court does not follow the majority with regard to monetary matters, and in cases of uncertainty the burden of proof rests upon the claimant.	<u>פתח בכד וסיים בחבית ...</u> אמר רב פפא היינו כד היינו חבית למאי נפקא מינה למקח וממכר. היכי דמי אילימא באתרא דכדא לא קרו חבית וחבית לא קרו כדא הא לא קרו לה. לא צריכא דרובא קרו לה כדא כדא ולחביתא חביתא, ואיכא נמי דקרו לחביתא כדא ולכדא חביתא. מהו דתימא זיל בתר רובא קמ"ל דאין הולכין בממון אחר הרוב:
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The mishna teaches: If another person came and stumbled on it and broke it, he is exempt. The Gemara asks: Why is he exempt; he should examine the road and then continue walking? The Sages of the school of Rav said in the name of Rav: The ruling of the mishna is taught with regard to one who placed not just one barrel in the road, but rather filled the entire public domain with barrels, blocking the path. Shmuel says: The ruling of the mishna is taught with regard to a case where he broke it in the dark. Rabbi Yohanan says: The ruling of the mishna is taught with regard to a case where the barrel was placed at the corner of the road, and so the pedestrian could not have seen it, as he rounded the corner, before stumbling on it. Rav Pappa said: The mishna is true only according to either the explanation of Shmuel or that of Rabbi Yochanan, but not that of Rav. For according to Rav, why does the Mishna refers specifically to a case where one stumbled on the barrel? Even if he broke the barrel	ובא אחר ונתקל בה ושברה פטור: <u>אמאי פטור איבעי ליה לעיוני ומיזל</u> אמרי דבי רב משמיה דרב בממלא רה"ר כולה חביות שמואל אמר באפילה שנו רבי יוחנן אמר בקרן זוית אמר רב פפא לא דיקא מתניתין אלא או כשמואל או כרבי יוחנן דאי כרב מאי אריא נתקל אפילו שבר נמי אמר רב זביד משמיה דרבא הוא הדין דאפי' שבר והאי דקתני נתקל אידי דבעי למתני סיפא ואם הוזק בה בעל חבית חייב בנזקו דדוקא נתקל אבל שבר לא מאי טעמא הוא דאזיק אנפשיה קתני רישא נתקל אמר ליה ר' אבא לרב אשי הכי אמרי במערבא משמיה דר' עולא לפי שאין
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intentionally he should not be liable to pay, as the owner of the barrel had no right to block the public road? Rav Zevid said in the name of Rava in defense of Rav's explanation: The same is true even if he broke the barrel intentionally. And as for this fact, that the tanna of the mishna teaches a case where he stumbled, it is because he wants to teach in the last clause: And if he incurred damage due to the vessel, the owner of the chavis is liable to pay for his damage. As this ruling applies specifically when he stumbled, but if he broke the barrel intentionally and incurred damage in the process, the owner of the barrel is not required to compensate him. What is the reason for this? Although the pedestrian had the right to break the barrel, it is he who damaged himself, by not being careful while breaking it. Rabbi Abba said to Rav Ashi that this is what they say in Eretz Yisrael, in the name of Rabbi Ulla, in explanation of the mishna: Even if the barrel is clearly visible, one who stumbles on it is exempt from liability because the typical manner of people is not to examine the roads, as they assume that the road is unobstructed. Therefore, one who breaks an item placed in the road as a result of not watching is not liable to pay restitution.	דר בובא אחר ונתקל בה ושברה פטור: אמאי פטור איבעי ליה לעיוני ומיזל גאמרי דבי רב משמיה דרב במלא רה"ר כולה חביות שמואל אמר באפילה שנו רבי יוחנן אמר בקרן זוית דאמר רב פפא לא דיקא מתניתין אלא או כשמואל או כרבי יוחנן דאי כרב מאי אריא נתקל אפילו שבר נמי האמר רב זביד משמיה דרבא הוא הדין דאפי' שבר והאי דקתני נתקל אידי דבעי למתני סיפא ואם הוזק בה בעל חבית חייב בנזקו דדוקא נתקל אבל שבר לא מאי טעמא הוא דאזיק אנפשיה קתני רישא נתקל ואמר ליה ר' אבא לרב אשי הכי אמרי במערבא משמיה דר' עולא <u>לפי שאין דרכן של</u> <u>בני אדם להתבונן בדרכים כן של</u> <u>בני אדם להתבונן בדרכים</u>
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What was the default position of the Gemara? Did that change based on the halacha taught in the Mishna?

How did the specific words of the Mishna determine the conclusion of the Gemara?

Are there practical differences between the 3 approaches in the Mishna, who is right in your opinion?

Case 3:

As it is taught in a baraita: One might have thought that honoring one's father and mother overrides Shabbat; therefore, the verse states: "You shall fear every man his mother and his father and you shall keep My Shabbatot, I am the L-rd your G-d" (Leviticus 19:3). All of you, both parent and child, are obligated in My honor, and therefore honoring one's parents does not override the honor of God, Who commanded the Jewish people to observe Shabbat.	גמרא יבמות דף ה עמוד ב' דַּמְנָא: יְכוֹל יְהֵא כְבוֹד אָב וְאִם דְּוָקָה שְׁבֵת — תִּלְמוּד לִזְמַר: "אִישׁ אִמּוֹ וְאָבִיו תִּירָאוּ וְאֶת שַׁבָּתוֹתַי תִּשְׁמְרוּ", כּוֹלְכֶם סְיָבִין בְּכְבוֹדִי.
The mishna teaches: And if the animal was lost in a graveyard and was found by a Kohen, he may not become impure to return it. The Gemara cites a baraita in which the Sages taught: From where is it derived that if a Kohen's father said to him: Become impure, or that if one's father said to him: Do not return a lost item that you found; he should not listen to him? It is derived from the verse, as it is stated: "Every man shall fear his mother and his father, and you shall observe My Shabbatot; I am the Lord" (Leviticus 19:3). You are all, parent and child alike, obligated in My honor. The Gemara infers: The reason that a priest must not obey his father's command to become impure is because the Torah writes: "You shall observe My Shabbatot; I am the Lord"; but if it were not so, I would say that the child must obey him. The Gemara asks: But why? This obligation to obey a parent is a positive mitzva, and that obligation of a priest to refrain from becoming impure is both a prohibition, and a positive mitzva: and the principle is that a positive mitzva does not come and override a prohibition and a positive mitzva. The Gemara answers that the derivation from "You shall observe My Shabbatot; I am the Lord" was necessary, as it might enter your mind to say: Since honoring one's father and mother is equated to the honor of the Omnipresent, as it is stated here: "Honor your father and your mother" (Exodus 20:12), and it is stated elsewhere: "Honor the Lord with your wealth" (Proverbs 3:9), therefore, one might have thought that the Kohen must obey his father's command to become impure. Therefore the Torah teaches us that the Kohen is commanded not to listen to him.	גמרא בבא מציעא דף ל"ב עמוד א' בבית הקברות לא יטמא לה: ת"ר מנין שאם אמר לו אביו היטמא או שאמר לו אל תחזיר שלא ישמע לו שנאמר (ויקרא יט, ג) איש אמו ואביו תיראו ואת שבתותי תשמרו אני ה' כולכם חייבין בכבודי טעמא דכתב רחמנא את שבתותי תשמרו הא לאו הכי הוה אמינא צייטא ליה ואמאי האי עשה והאי לא תעשה ועשה ולא אתי עשה ודחי את לא תעשה ועשה איצטריך ס"ד אמינא הואיל והוקש כיבוד אב ואם לכבודו של מקום שנאמר כאן (שמות כ, יא) כבד את אביך ואת אמך ונאמר להלן (משלי ג, ט) כבד את ה' מהונך הלכך לציית ליה קמ"ל דלא לשמע ליה

What is the scenario? What is the issue? What is the default position regarding honoring parents vis a vis violating commandments (before the braisa taught me the chidush)? What forced the Tanna of the Braisa to change his mind? What was the problem with the default position? Why are the underlying principles that were used to solve the conundrum?