



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Kamma Daf Lamed Vuv

**PEREK SHOR SHENAGACH DALED V'HEY -- PEREK REVI'I**

**MISHNA**

- If an ox gored 4 or 5 oxen one after another, while still a tam (the goring happened without any pattern, for example it gored the first, third and seventh animals that it saw), **R' Meir** says, the last animal damaged is the first one to be paid by the tam. If there is money left over after that half payment, the second to last animal to be gored gets paid, and so on. The later to be gored is the earlier to be paid. **R' Shimon** says, if an ox worth 200 gores and kills another ox worth 200, and the carcass is worthless, the nizik gets 100 of value and the mazik gets 100 of value. If this same ox then went and gored and killed another ox worth 200, and the carcass is worthless, the new nizik gets 100, and the first nizik and the mazik each get 50 each (he holds like **R' Akiva**, which means that the first nizik became a partner in the ox after the killing of his ox, and therefore he was responsible to make sure that this ox didn't gore again, and since it did, he must bear half of the responsibility). If the ox went and gored and killed yet another ox worth 200, and the carcass is worthless, the new nizik gets 100, the second nizik gets 50, and the first nizik and the mazik each get 25.

**GEMARA**

- **Q: R' Meir** seems not to follow **R' Yishmael** or **R' Akiva**!? According to **R' Yishmael**, who holds that a nizik is a creditor of the mazik, the earlier nizik should collect first, as does an earlier creditor!? And, according to **R' Akiva**, any excess of payment should be split among all those who were damaged, and should not just go to the next in line, as explained by **R' Shimon**!? **A: Rava** said, the case is where following each goring, the nizik of that goring seized the ox, thereby making him responsible to prevent it from goring again. When it did gore again, the nizik must take responsibility, which is why the payment goes to the last nizik, and if there is leftover it goes to the second to last, etc.
  - **Q:** If this is the case, any goring after the first one is solely the responsibility of the nizik who seized it, and not of the original owner. If so, the original owner should never have to give up the value that he retained in the animal after the payment to the first nizik!? **A: Ravina** said, the original owner does keep whatever he had left after the first payment. The Mishna is saying that if the payment to the later nizik is less than the payment to the earlier nizik, the earlier nizik keeps that difference.
    - We find that **Ravin** said that **R' Yochanan** also explained the Mishna like **Rava**.
  - **Q:** According to **Rava**, the beginning of the Mishna is following **R' Yishmael**. However, the next part of the Mishna (the view of **R' Shimon**) cannot follow **R' Yishmael** and must follow **R' Akiva**. Can we say that the two parts of the Mishna follow two different shitos? **A:** Yes, that is the way it is. In fact, we find that **Shmuel** once told **R' Yehuda** that a Mishna can be following **R' Yishmael** in the earlier part, and **R' Akiva** in the later part.
- A Mishna says, if someone bangs near someone else's ear, he must pay him a selah for embarrassment (besides any other payment for damage, pain, etc.). **R' Yehuda in the name of R' Yose Haglili** said he must pay a maneh. When dealing with such a case in practice, **R' Tuvia bar Masna** asked **R' Yosef** whether this refers to the selah of Tzuri (which is equal to 4 zuzim) or the selah medinah (which is only worth ½ zuz)? **R' Yosef** said, we can learn from our Mishna that when a Mishna refers to a selah, it refers to the Tzuri selah. The Mishna gives the case of multiple gorings, with each earlier nizik getting less and less. The Mishna stops with the case where the first nizik and the mazik each get 25 zuz. Now, if the selah referred to in a Mishna is equal to half a zuz, the Mishna should have added another layer onto the case, which would

result in the first nizik and the mazik each getting 12 and ½ zuz! The reason it didn't do so is because there is no full currency equal to half a zuz. **R' Tuvia** said, that is no proof. It may be that the reason the Mishna doesn't give another case with an added layer is only because it already showed its point and does not need to give additional cases.

- **Q:** What is the halacha regarding this matter? **A:** They answered this from the statement of **R' Yehuda in the name of Rav**, that anytime that "kesef" is mentioned in the Torah is refers to Tzuri currency, and anytime it is mentioned by the **Rabanan**, it refers to kesef medinah. Based on this, when the Mishna mentions a selah, it refers to selah medinah.
  - When the man involved in the case that was brought to **R' Tuvia** heard that he would only be receiving a half zuz, he said "I don't want it, rather give it tzedakah". He then changed his mind and said that he wants to take it himself to spend it on himself. **R' Yosef** told him it is too late to change his mind, because the poor people have already acquired the money, because **R' Yosef** was in charge of the tzedakah fund, and was therefore koneh for the poor people.
- **Chanan** the bad person once hit near someone's ear and was therefore chayuv to pay the half zuz. He only had a full zuz and couldn't get change for it. He therefore went and hit by the person's ear again, and then gave him the full zuz for the two occurrences.