



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

Bava Kamma Daf Lamed Zayin

MISHNA

- An ox that is a muad to gore other oxen, but not other types of animals, or if it is a muad to gore people, but not for animals, or for small animals and not for large animals, if the animal damages the class that it is a muad for the owner would have to pay full damages. If it damages another class, the owner would only pay half damages.
 - They asked **R' Yehuda**, what would be the halacha for an animal that is a muad to gore on Shabbos, but not during the week? He answered, if it gores on Shabbos the owner will have to pay full damages, and if it gores during the week, he would only pay half damages. This animal can go back to being a tam when it goes by three Shabbosos without goring.

GEMARA

- **R' Zvid** said that the Mishna should be read as saying "an ox that is a muad to gore other oxen, but not other types of animals..." (the Mishna is giving the circumstances of the case). **R' Pappa** said the Mishna should be read as saying "an ox that is a muad to gore other oxen is not a muad for other types of animals" (the Mishna is giving a ruling).
 - According to **R' Zvid**, the Mishna is saying the ox is not a muad for animals, because we know it to be so, but if we didn't, it would be a muad for everything. According to **R' Pappa**, if we don't know it to be a muad for other animals, it is not a muad for other animals.
 - **R' Zvid** learns this from the end of the Mishna, where it says that "an animal that is a muad to gore small animals is not a muad to gore large animals". According to **R' Zvid**, this would mean that it is known not to be a muad to gore large animals. The chiddush is, that if that was not known, we would assume that it is a muad for large animals, which is a chiddush, because an animal would more easily gore a small animal than a large animal, and would therefore not automatically be a muad for large animals. However, according to **R' Pappa**, the Mishna is ruling that an animal that is a muad to gore small animals is not a muad to gore large animals. That seems obvious! Rather, **R' Zvid's** understanding must be the correct one. **R' Pappa** would say that it is not obvious, because we would think that once it is established as a muad for a particular type of animal, it is a muad for all sizes of that animal.
 - **R' Pappa** learns his view from the earlier part of the Mishna, where it said that an animal that is a muad for people is not a muad for animals. According to **R' Pappa** this is issuing a ruling that being a muad for people does not make the animal a muad for animals, which is a chiddush. However, according to **R' Zvid**, this means that if he is a known muad to people we assume it is also a muad for animals. Now, this is unnecessary to say, because we have already said that being a muad for one type of animal creates an assumption of muad for all types of animals, so surely being a muad for a person will make the animal a muad for animals! Rather, **R' Pappa's** understanding must be the correct one. **R' Zvid** would say that that case of the Mishna refers to where the animal was a muad for people and for animals, and then it walked by 3 animals without goring, in which case it becomes a tam for animals again, but remains a muad for people. We would have thought that since it remains a muad for people it should also remain a muad for the animals. The Mishna therefore teaches that it

has effectively reverted to a tam for animals although it remains a muad for people.

- **Q:** According to **R' Zvid**, the result is that an animal that is a muad for people is assumed to be a muad for animals as well. However, a Braisa says that **Sumchos** says that a muad for people is a muad for animals based on a kal v'chomer – if it is a muad for people (who have mazal), then surely it is a muad for animals (who don't have mazal). Now, if **Sumchos** says this way, it must mean that the **Rabanan** argue and say not like him, which would mean that **R' Zvid** is arguing on the **Rabanan!**? **A:** **R' Zvid** will say that **Sumchos** is speaking about a case of the animal reverting back to being a tam while remaining a muad for people. It is about that case that the **Rabanan** say it can revert even if only for animals, and the **Sumchos** says it cannot. However, all may agree that a muad for people is assumed to be a muad for animals as well.
- **R' Ashi** said we can bring a proof for the view of **R' Zvid**. In our Mishna the talmidim asked **R' Yehuda** regarding an animal that is a muad to gore on Shabbos, but not to gore during the week. According to **R' Zvid**, the talmidim were giving the circumstances and were asking for a halachic ruling. However, according to the way that **R' Pappa** understands the rest of the Mishna, the talmidim here would be issuing a ruling to their rebbi, **R' Yehuda!** Also, how would we then understand the answer of **R' Yehuda!**? Therefore, it must be that **R' Zvid's** understanding is correct.
- **R' Yanai** said, we can also bring a proof from earlier in the Mishna. The Mishna says “if it damages the class that it is a muad for, it pays full damages, and if it damages another class, it pays half damages”. Now, according to **R' Zvid**, the Mishna first gave the circumstances and is now giving the ruling. However, according to **R' Pappa**, the Mishna already gave the ruling, so why is it repeating it now? You can't say that now it means to give the ruling in terms of level of payment, because it has been well established that a muad pays for full damages and a tam pays for half. Again, it must be that **R' Zvid's** understanding is the correct one.
- Even if we want to say like **R' Pappa** (that a muad for one animal is not assumed to be a muad for another type of animal), if an animal gored an ox, then a donkey, and then a camel, it becomes a muad for all animals.
- A Braisa says, if an ox saw another ox and gored it, saw a second ox and did not gore it, saw a 3rd and gored it, saw a 4th and did not gore it, saw a 5th and gored it, and then saw a 6th and did not gore it, it becomes a muad to gore every second ox.
 - A Braisa says, if an ox saw another ox and gored it, saw a donkey and did not gore it, saw a horse and gored it, saw a camel and did not gore it, saw a mule and gored it, and then saw a wild donkey and did not gore it, it becomes a muad to gore every second animal (of any type).
 - **Q:** What is the halacha if an ox gored an ox, a second ox, a third ox, a donkey, and then a camel? Do we say that the 3rd ox completes its being a muad for oxen, and it is not a muad for anything else, or do we say that the third ox is included in a group of the last 3 animals, and therefore makes the goring ox into a muad for all animals? **Q2:** What about if the ox gored a donkey, a camel, an ox, a second ox, and then a third ox? This would be the first question in reverse. **Q3:** What about if the ox gored on Shabbos, and the following Shabbos, and the 3rd Shabbos, and then on Sunday, and then on Monday? Does the last Shabbos get grouped with the first two Shabbosos, so that it only becomes a muad for Shabbos, or does it get grouped with the Sunday and Monday and thereby become a muad for all days? **Q4:** What about where it gored on Thursday, Friday, Shabbos, the following Shabbos, and the third Shabbos? This would be the immediately previous question in reverse. **A:** **TEIKU.**
- If an ox gored on the 15th of this month, the 16th of the next month, and the 17th of the third month, there would be a machlokes between **Rav and Shmuel**. We find that regarding setting a pattern for purposes of niddah, **Rav** says that a woman who saw blood on the 15th of this month, the 16th of the next month, and the 17th of the third month is considered to have set a pattern, and **Shmuel** says that in order to set a pattern she would need to see blood again on the 18th of the following month (to have three periods of a month and a day in between). Presumably, the same machlokes would hold true regarding the ox as well.

- **Rava** said, if an ox heard a shofar and gored, heard it a second time and gored again, and then heard it a third time and gored again, the ox becomes a muad to gore when it hears a shofar.
 - **Q:** This seems obvious!? **A:** We would think that the first shofar it heard only sacred it, and should therefore not be counted in the count to become a muad. **Rava** therefore teaches that it does count for purposes of muad.

MISHNA

- If an ox of a Yid gores an ox of hekdesch, or visa-versa, the owner is patur, based on the pasuk's use of the term "shor rei'ayhu", which we darshen to exclude a shor of hekdesch.
- If the ox of a Yid gores the ox of a goy, he is patur. If the ox of a goy gores the ox of a Yid, whether the goy's ox is a tam or a muad, the owner must pay for full damages.

GEMARA

- The Mishna does not follow **R' Shimon ben Mensya**, who says in a Braisa that if an ox of hekdesch gores it is patur, but if an ox of a Yid gores an ox of hekdesch it must pay full damages even if it is a tam.
 - **Q:** What is the reasoning of **R' Shimon ben Menasya**? If he darshens "rei'ayhu" then the Yid should be patur when his ox gores hekdesch!? If he doesn't darshen it, then even hekdesch should be chayuv!? If you say he darshens it, but says that a Yid must pay when his ox gores hekdesch based on a kal v'chomer – if he pays when he gores another Yid, he surely must pay when he gores hekdesch – then he should only pay half damages when he is a tam, because of the concept of dayo!?! **A: Reish Lakish** said, for all cases of damages the mazik must pay full damages. The pasuk comes along and creates a leniency, that for a tam the mazik only pays half damages. However, that leniency is written with the term "rei'ayhu", which therefore teaches that the leniency only applies when the tam gores another Yid, not when it gores hekdesch. If "rei'ayhu" meant to fully exempt any payment to hekdesch, the word should have been written regarding an ox that is a muad. Since it was written regarding a tam, we learn that it only applies to the halacha of a tam.