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Mishnah

There are four main categories of damages: An ox, a pit, maveh (will be explained in the Gemora), and a fire. The characteristic of an ox is not like maveh, and the characteristic of maveh is not like an ox. They are both unlike fire in that they are alive, while fire is not. All of these three are unlike a pit, in that they normally damage as they move while a pit does not normally move while damaging. The common characteristics of all of them are that they normally damage, and a person must watch them (to ensure that they do not damage). If they damage, their owner is obligated to pay for the damages from the best of his land. (2a1)

Sub-categories

The Gemora asks: The Mishnah’s terminology of “main categories” implies that there are sub-categories. Do the sub-categories have the same laws as the main category? [The Gemora is now going to discuss Shabbos, where the laws are the same, and impurity, where the laws are different, before answering the question.] For example, we see regarding Shabbos that the Mishnah states: There are thirty-nine main categories of melachos (that are forbidden to perform according to Torah law) on Shabbos. This implies that there are sub-categories as well. Regarding Shabbos, we say that the sub-categories are like the main categories. Whether one transgresses a main category or sub-category unwittingly, he must bring a korban chatas. Whether one transgresses a main category or sub-category willfully, he is liable to be stoned.

What difference, then, does it make that one is called a main category and one is called a sub-category? The difference is that if one performs two main category prohibitions or two sub-category prohibitions, he is liable twice. However, if he

performs a main category prohibition and its sub-category prohibition at the same time, he is only liable for transgressing Shabbos once (and would only bring one korban chatas). The Gemora asks: According to Rabbi Eliezer who says that one would be liable twice if he performs a main category and sub-category sin of Shabbos at the same time, why is one called a main category and one called a sub-category? The Gemora answers: Any work done in the building of the Mishkan that was important is called a main category, and any work done in the building of the Mishkan that was not important is called a sub-category.

Regarding impurity, the Mishnah states: The main categories of impurity are sheratzim (certain crawling creatures that have died), semen, and someone who has come in contact with a dead person. Their sub-categories do not have the same laws as them. This is evident from the law that a main category of impurity defiles a person and vessels that come in contact with them, while their sub-categories transmit tumah to food and drink, but not to people and vessels.

The Gemora reiterates: What, then, is the law regarding damages? [Do the sub-categories have the same laws?] Rav Pappa answers: Some have the same laws as the main categories, and some do not. [The Gemora will later explain this answer further.] (2a2 – 2b1)

The Baraisa states: There are three main categories of damages said regarding an ox. They are: Keren (the horn), shein (the tooth), and regel (the foot). The Gemora asks: Where do we see that one is liable for keren? The Gemora answers the question from a Baraisa. The Baraisa states: “When it will gore.” Goring is done with a horn, as the verse states: Tzidkiyah ben Kenaanah made for himself iron horns,

and he said, "Hashem said, 'With these, you will gore Aram.'" Additionally, the verse says: The firstborn, his ox, is a glory for him, and the horns of a large animal are his horns, with them he will gore nations. [These verses prove that the word "yigach" in the torah refers to goring.]

The Gemora asks: Why did the Baraisa say, "Additionally etc.?" [What was it needed for?] – And if you will claim that we cannot derive Torah laws from the verses in the books of Prophets, there is additionally a proof from the Torah itself, as it states: The firstborn, his ox, is a glory for him - the Gemora asks: There is no claim that we cannot derive Torah laws from the verses in the books of Prophets in this case, as here we are just deriving the definition of a word!?

The Gemora answers: Rather, one might think that when the Torah differentiates between a tam (an ox that did not yet gore three times; the owner only pays for half the damage) and a mu'ad (an ox that gored already at least three times; the owner pays the full amount of the damage), it is only when the horn is disconnected from the animal (in a case where the animal took its uprooted horn in its mouth and gored; as the case of Tzidkiyah was of an unattached set of horns); however, when an animal would normally gore with its horns attached to its head, it should always pay full damages. This is why the Baraisa quotes the additional verse from the Torah. (2b1 – 2b2)

The Gemora asks: What are the sub-categories of keren? The Gemora answers: Pushing intentionally, biting, pouncing, and kicking. The Gemora asks: Why is goring considered a main category? It must be because the verse says, "When it will gore." Doesn't the verse similarly state "When it will push?" The Gemora answers: That verse actually refers to goring (pushing with its horns), not pushing. This is as the Baraisa states: The passage started with the term "pushing" and finished with "goring" to teach that the "pushing" it had referred to actually meant "goring."

The Gemora asks: Why did the Torah use the term "goring" when the victim was a person, and "pushing" when the

victim was an animal (when in both instances it was actually discussing goring)? The Gemora answers: A person who has mazal is termed as being gored, while an animal that does not is termed being "pushed." [A person, who has intelligence, must be forcibly attacked, and therefore it is more fittingly described as "gored," than an animal, which can be a passive victim, who is described as being "pushed."] This teaches us that a mu'ad for attacking people is automatically considered a mu'ad for attacking animals, while the opposite is incorrect.

The Gemora asks: Isn't biting a sub-category of "shein" (teeth)? The Gemora answers: No. The main characteristic of shein is that it derives physical pleasure from that which it damaged, not that the animal merely damages with its teeth.

The Gemora asks: Aren't pouncing and kicking sub-categories of "regel" (feet)? The Gemora answers: No. The main characteristic of regel its damages are common (it tramples things while it's walking), and these (pouncing and kicking) are uncommon. (2b2 – 2b4)

The Gemora asks: What are the cases where (Rav Papa said) the sub-categories are unlike the main categories? If it is "keren," both the main category and sub-category are the same in that they are intentional damage and the money and obligation to watch the animal is that of the owner. - Rather, it must be that the main category of "keren" and its sub-categories are the same. Rav Pappa must have been referring to "shein" and "regel." (2b4)

INSIGHTS TO THE DAF

An Av and its Toladah

The Gemora notes: We see regarding Shabbos that there are thirty-nine main categories of melachos (that are forbidden to perform according to Torah law) on Shabbos. This implies that there are sub-categories as well. Regarding Shabbos, we say that the sub-categories are like the main categories. Whether one transgresses a main category or sub-category



unwittingly, he must bring a korban chatas. Whether one transgresses a main category or sub-category willfully, he is liable to be stoned. What difference, then, does it make that one is called a main category and one is called a sub-category? The difference is that if one performs two main category prohibitions or two sub-category prohibitions, he is liable twice. However, if he performs a main category prohibition and its sub-category prohibition at the same time, he is only liable for transgressing Shabbos once (and would only bring one korban chatas).

Rashi explains that when one performs an av (main category) together with its toladah (sub-category), he is liable for the av, and not for the toladah. For example, if one planted a tree (av) and watered a plant (a toladah of zore'a), he is liable for the av, and not for the toladah.

The commentators ask: What practical difference does it make if he is liable for the av or the toladah? The bottom line is that he is required to bring one korban chatas!?

Reb Tzvi Pesach Frank suggests the following: The Gemora in Shabbos (71b) rules that if one eats two olive-sized pieces of cheilev (forbidden fats) in one state of unawareness, and he is apprised of the first and he brings a korban. If subsequently, he becomes aware of the second, he is now required to bring another chatas for that one (for the bringing of one korban cannot exempt one from bringing a korban for a violation that he did not know about at the time). Accordingly, if one would perform an av and its toladah together, and he would be apprised of the av, but not the toladah, he would bring a korban for the av. If afterwards he is made aware of the toladah, he would be liable to bring a korban for it, for according to Rashi, one is not liable for a toladah when it is done together with its av.

DAILY MASHAL

Why Are We Beginning to Study Bava Kamma?

With Hashem's help, the many Jews who study the Daf HaYomi are about to begin Seder Nezikin, which starts with

Bava Kamma. The Mishnah and the Talmud Bavli are divided into six sedarim [orders]: Zeraim, Moed, Nashim, Nezikin, Kodoshim and Taharos. The Gemara (Shabbos 31a) also enumerates the six sedarim in this same order, based on the verse, "The faith of your times will be the strength of your salvations, wisdom and knowledge; fear of Hashem—that is [man's] treasure" (Yeshayahu 33:6). "Faith" is Zeraim, "your times" is Moed, "strength" is Nashim, "salvations" is Nezikin, "wisdom" is Kodoshim and "knowledge" is Taharos.

The Tosofos Yom Tov (in Kaf HaNachas, his introduction to Zeraim and Nezikin) writes that sometimes Nezikin is counted as the last of the six sedarim. This order follows the verses (Tehillim 19:8-10), "Hashem's Torah is perfect, restoring the soul...The judgments of Hashem are true, altogether righteous", which allude to the six sedarim. The last is Nezikin, which is hinted at in the words, "the judgments of Hashem." The above-mentioned verse in Yeshayahu alludes to Nezikin as the third order while the verse in Tehillim refers to it as the last.

The Tosofos Yom Tov explains this is actually not a contradiction. During the time of David HaMelech, when the Jewish Nation lived in Eretz Yisrael, it was fitting to begin with the halachos of Kodoshim and Taharos, which were actually in practice then. But Yeshayahu was prophesying for the Diaspora period, and since the halachos regarding Kodoshim and Taharos are not practiced outside of Eretz Yisrael, these sedarim were pushed to the end of the list.

Why is Bava Kamma the first tractate? In the opening to his Commentary on the Mishnah (s.v. hachelek hashishi), the Rambam points out that Bava Kamma is the opening tractate of Nezikin to teach us that "a judge is not allowed to do anything else before removing the potential damage from the people." Before attending to other matters, dayanim must remove and safeguard against anything harmful and damaging.