

OVERVIEW of the Daf

1) Paying for humiliation when one strikes a friend in the ear (cont.)

Another incident related to paying for humiliation after striking a friend in the ear is recorded.

2) **MISHNAH:** The Mishnah discusses cases where an animal is מועד for one circumstance but not for another. R' Yehudah discusses with his students an animal that is מועד for Shabbos but not during the week.

3) **Clarifying the Mishnah**

R' Zevid and R' Pappa disagree whether the Mishnah says אינו מועד ואינו or אינו מועד.

The difference between these two readings is explained.

R' Zevid reaches his perspective from the end of the Mishnah and the Gemara explains how R' Pappa explains that part of the Mishnah.

R' Pappa reaches his perspective from the beginning of the Mishnah and the Gemara explains how R' Zevid explains that part of the Mishnah.

R' Zevid's opinion is unsuccessfully challenged.

R' Ashi suggests a proof for R' Zevid's position.

R' Yannai suggests another proof for R' Zevid's position.

A point regarding R' Pappa's position is clarified.

4) **Becoming מועד**

Two Beraisos are cited that discuss the process of an animal's becoming מועד.

Four related inquiries are presented, clarified and then left unresolved.

The Gemara equates a disagreement between Rav and Shmuel regarding a woman's fixed niddah period with an animal becoming מועד.

Rava discusses an ox becoming a מועד when it hears the sound of a shofar.

The novelty of this ruling is explained.

5) **MISHNAH:** The Mishnah discusses cases involving hekdesh and the animal of a gentile.

6) **An ox of hekdesh**

The Gemara notes that the Mishnah's exemption from payment for goring an ox of hekdesh is in opposition to R' Shimon ben Menasya who holds that one must pay full damages.

The Gemara unsuccessfully challenges R' Shimon ben Menasya's ruling. ■

Distinctive INSIGHT

An ox which gores an ox, a donkey and a camel

שור וחמור וגמל - נעשה מועד לכל

Rav Zevid and Rav Pappa had different texts in the Mishnah, and, as a result, they disagreed regarding the status of an animal which is known to be מועד to gore one type of animal, but is not known to have established a pattern to gore a different type of animal. For example, if an ox is known to be a מועד for goring sheep, Rav Zevid holds that that ox is a מועד for other animals as well, unless we specifically know that it has avoided those other animals when it had an opportunity to gore them. Rav Pappa holds that an ox which is מועד for one type is not מועד for any other type.

The Gemara finally concludes that according to the opinion of Rav Pappa, we can inquire what would be the halacha if an ox gored another ox, a donkey and a camel? Would Rav Pappa agree that in this case the goring ox is a מועד for all three species, or does it remain a תם because it only gored any one species only once?

Nimukei Yosef explains that the Gemara's question is that the goring ox should perhaps be a מועד for all animals, and not only the three types that it gored. The proof he brings for this is that the Gemara said (23b) that if an animal gores on Sunday, Monday and Tuesday, it is a מועד for all days of the week, and not just those three days. Rambam (Nizkei Mamon 6:12), however, seems to disagree with Nimukei Yosef. In the Gemara's next question, we find a case where an ox gored in the following sequence: ox, ox, ox, donkey and camel. Rambam understands that the question is whether the goring ox is a מועד for oxen (as it gored three oxen), or is it מועד for all three of these species? We see that in the worst-case scenario, the ox is only מועד for oxen, donkeys and camels, and not for all species as the Nimukei Yosef suggested. Ra'aved comments on this ruling of Rambam and claims that the ox should be מועד for all types, but Magid Mishne explains that the contention of Rambam is that any מועד for three types is only מועד for those alone.

Aruch HaShulchan (C.M. 389:29) explains that Rambam holds that if an ox gores three young animals (קטנים) of different species, the ox is not a מועד for adult animals of those same species. We see that the view of Rambam is that an ox which gores three types is only a מועד for those species, and not for all animals. ■

Today's Daf Digest is dedicated
 Mr. & Mrs. David Friedman
 In honor of the marriage
 of their children
 Jake & Michelle

HALACHAH Highlight

Is a warning necessary to incur a fine?

תקע ליה אחרינא ויהביה נהליה

He hit him again and gave him [the whole zuz]

There was once a community in which the Rav announced that anyone who holds a minyan in his home on a day where there is Torah reading will be fined twenty-five gold coins. Some time later it was discovered that someone had been hosting minyanim in his home and the question arose whether the offender should be fined for each offense or twenty-five gold coins in total. Teshuvos Shev Yaakov¹ answered that since he received only one warning about the matter he can only be fined once. This is based on the Gemara that rules that a nazir who drinks wine many times receives only one set of lashes but if he was warned before each drink he will receive lashes for each warned offense. So too in this case since the offender did not receive multiple warnings he may only be fined once.

Teshuvos Rav Pealim² disagreed with this ruling and offered the following explanation. In order for a nazir to receive lashes for drinking wine he must receive a warning but there is no such requirement when it comes to fining a person. A person is subject to a fine for each offense regardless of whether he received a formal warning before the offenses. Proof to this principle is found in our Gemara which

REVIEW and Remember

1. Is מועד an all or nothing status?
2. How does one know that an animal is aware that it is Shabbos?
3. Can outside factors trigger מועד behavior?
4. Does one pay if his ox gores an ox of הקדש?

relates that Chanan Bisha struck a person and R' Huna ruled that he must pay half a zuz for the embarrassment he caused. Since he only had a worn-out zuz, which the victim did not want to take and give him back another half zuz, he hit the victim a second time and gave him the entire zuz. We see from this incident that he was fined half a zuz for each offense even though he wasn't warned separately before each act. This demonstrates that when it comes to fines one is responsible to pay a fine for each offense regardless of whether the offender was properly warned before each act. Therefore in the case of the person who conducted a minyan in his home in violation of the Rav's restriction he should be fined twenty-five gold coins for each time he violated this ban. ■

1. שו"ת שב יעקב ח"ב חו"מ סי' כ"ה
2. שו"ת רב פעלים ח"א יו"ד סי' מ"א ■

STORIES Off the Daf

The fretful infant

הרי זה מועד לשבתות ואינו מועד ליוסחול

A certain woman had a healthy baby and was overjoyed that her child was nursing nicely. But on Shabbos she was distressed to find that the baby simply would not eat. No matter what she tried, he refused to nurse and fretted. The poor woman was at a loss as to what to do. Since she lived in Dvinsk, she consulted with the famous Ohr Sameach, zt"l, to see if he had any advice to offer, but the Ohr Sameach was completely flummoxed just like the young woman.

Then she went to the Rogotchover Gaon, zt"l. He recommended that she see the official Rav of the city, Rav Meir Simcha. When she told him that Rav Meir Simcha had not offered a solution, the gaon was astounded. "What?" the Rogotchover exclaimed. "You go back to him and say that he forgot a clear-cut Yerushalmi brought in Tosafos in Bava Kama!"

When she returned with this message, the Ohr Sameach smiled and asked, "Tell me, do you wear different clothes on Shabbos?"

"Of course," she answered

"And you wear jewelry only on Shabbos, correct?"

"Yes," she replied, "But what does that have to do with anything?"

"The baby doesn't recognize you because of your Shabbos finery," the Rav answered. "If you wear weekday clothes you will see that he nurses as usual. This is what the gaon was referring to. Tosefos in Bava Kamma 37 brings the Yerushalmi that explains that there can be an ox which is מועד, a regular gorer, only on Shabbos because the ox does not recognize the town-folk on account of their Shabbos finery. Presumably something similar is taking place here. If you put on your weekday clothes, you will find that the baby nurses as usual!" ■

1. האור שמח ע' פ"ו כתבתי כפי שקיבלתי מא"מ שליט"א קצת אחרת מאידך שמסופר בספר