



## OVERVIEW BAVA KAMA DAF 24

### Section 1: The Source for What Makes a Mu'ad

#### R. Meir's Reasoning:

**Kal va'Chomer:** If gorings spread over several days make it Mu'ad, all the more so when they happen close together!

#### Chachamim's Reply:

A Zavah disproves this. She needs blood on three *consecutive* days to become a Zavah — not three sightings on one day!

#### R. Meir's Response:

The verse "this is the law of his Tum'ah" specifies — a Zav (male) becomes Tamei through three sightings even on one day, but a Zavah (female) needs three days. Otherwise we'd say the same for both.

#### How Do We Know the Verse Means That Way?

**Question:** Maybe "this" excludes a Zav from one-day Tum'ah!

**Answer:** Another verse equates male and female — "one who has a flow, male or female." Just as a woman needs separate days, so does a man.

**Then maybe they should both be like a man (one-day sightings)?** Answer: "This" excludes the woman. The verse talks about sightings on one day, so it's more logical to exclude the woman from that, than to exclude the man from his rule.

#### R. Yosi's View (Beraisa):

An ox is Mu'ad after testimony of three days of goring; it goes back to Tam when children can play with it safely.

- **R. Shimon:** After three testimonies — Mu'ad. The three days only matter for *reverting* to Tam.

#### Rav Nachman's Ruling:

Halachah is like R. Yehudah on Mu'ad (three days needed), and like R. Meir on Tam (children play, doesn't gore — that's how it reverts) — because R. Yosi essentially agrees with each.

**Rava's pushback:** Maybe we should rule like R. Meir for Mu'ad and R. Yehudah for Tam — R. Shimon agrees with those!

**Rav Nachman:** I follow R. Yosi because his reasoning is sharpest.

### Section 2: Why Three Days Are Needed

#### The Question:

Are three days needed to *establish* that the ox gores, or to *warn* the owner?

#### Practical Difference:

If three sets of witnesses testify on one day about gorings on three different days — that establishes the ox is a gorer. But it doesn't warn the owner; he can claim, "I'm just hearing about this now."

#### Beraisa About Zomemim (Conspiring Witnesses):

An ox becomes Mu'ad only if testimony is given before the owner *and* before Beis Din.

If three pairs testify (each pair on a different goring): they count as three testimonies, but as *one* for Hazamah:

- If the first pair is Zomemim → the remaining two pairs still stand. The ox is not yet Mu'ad, and the first pair isn't punished.
- If two pairs are Zomemim → the third still stands. None punished.
- If all three are Zomemim → they're all punished: "You shall do to him as he plotted."

#### Rav Kahana's Question on the Other Side:

Even if we say the testimony is to *establish* the ox, the last pair of witnesses could claim: "We only meant to obligate half-damage; we didn't know the others would come!"

#### Three Answers:

- **Rashi-style #1:** Witnesses gestured to each other (they were coordinating).

- **Rav Ashi:** All witnesses came to court together.
- **Ravina:** The witnesses don't know *which* ox gored, but they know whose ox gored. They can't obligate half-damage — only make the herd Mu'ad in general (the owner must guard his whole herd).

## Section 3: Inciting Someone's Dog

### Levi Incites Reuven's Dog:

If Levi sets Reuven's dog on Shimon — is Reuven liable for the bite?

- Levi is clearly exempt (he just caused indirectly).
- Reuven's claim: "I didn't do anything!"
- Or maybe: he knew his dog is the type that can be incited — he shouldn't keep such a dog!

### R. Zeira from the Mishnah:

"If it doesn't gore when children play with it — it's Tam." Inference: when children *do* incite it and it gores — the owner is liable!

### Abaye's Rejection:

No — when incited and it gores, that's enough to declare it Mu'ad *going forward*, but for *that specific goring* it's exempt.

### The Mishnah About Inciting:

"If one incites a dog or snake to bite — he's exempt." Even the inciter is exempt (i.e., no one pays — the owner can't be sued either if it's pure incitement).

### Rava's Twist:

Even if you say Reuven (owner) is liable when Levi incites and the dog bites Shimon — if the dog bit *Levi himself* (the inciter), Reuven is exempt. When one party acts abnormally and another acts abnormally and damages him — the second is exempt.

### Reish Lakish's Support:

A cow crouching in the street: if a walking cow kicked it — exempt. If the crouching cow kicked the walking one — liable.

**Rava:** I'd actually say even the walking cow is liable in the first case. It has the right to walk over, but not to kick.

## Section 4: Keren Damage in the Victim's Property

### The Mishnah's Cases:

If an ox gored, pushed, bit, crouched, or kicked in the public street → half-damage.

In the *victim's property*:

- **R. Tarfon:** Full damage.
- **Chachamim:** Half-damage.

### R. Tarfon's First Kal va'Chomer:

Shen/Regel: exempt in the public street, pay full in the victim's property. Keren: half-damage in the public street — all the more so it should be full damage in the victim's property!

### Chachamim's Reply — Dayo:

**Dayo:** you can't learn more from a Kal va'Chomer than what's already in the source. Keren pays half in the street — so even in the victim's property, half.

### R. Tarfon's Second Try:

I don't need to learn Keren from Keren. I'll learn Keren from Regel: Regel is exempt in the street but pays full in the victim's property. So Keren — which already has half-damage in the street — should certainly pay full in the victim's property!

### Chachamim Again — Dayo:

Apply Dayo and it still only pays half-damage in the victim's property, like in the street.