



OVERVIEW BAVA KAMA DAF 4

Section 1: How Shmuel Explains the Mishnah

Remember: Shmuel says Mav'eh = Shen (eating)

The Mishnah talks about "Re'i" (special features) of each damage type. Shmuel explains:

Keren (goring):

- Strictness: The animal INTENDS to damage
- Leniency: The animal gets NO pleasure from it

Shen (eating):

- Strictness: The animal gets PLEASURE from it
- Leniency: The animal has NO intent to damage (it's just eating)

Question: Can't we figure out one from the other using logic?

If you're liable for Shen (which has no intent), obviously you should be liable for Keren (which DOES have intent)!

Answer: Not necessarily! We might think it's like a slave - the master isn't liable even though the slave intended damage. Maybe the same for an ox?

Objection: That doesn't make sense. The only reason masters aren't liable for slaves is because slaves might get angry and cause HUGE damage on purpose. Animals don't think like that!

The real explanation: "Re'i" here means STRICTNESS (not leniency):

- Keren's strictness: Intent to damage
- Shen's strictness: The damager gets pleasure

Question: If the Mishnah mentions Keren and Shen, where's Regel (trampling)?

Answer: It's included in the part that says "if they damaged, pay from best land."

Objection: But it should be mentioned specifically!

Different approach: Let's say "ox" means Regel, and "Mav'eh" means Shen:

- Regel's strictness: It's common damage
- Shen's strictness: The damager gets pleasure

Same question: Where's Keren then?

Same answer: Included in the payment part.

Why not mention it specifically? The Mishnah only lists explicitly things that are "Mu'ad from the beginning" (pay full damage right away). Keren doesn't count because for the first three gores, you only pay half.

Section 2: How Rav Explains the Mishnah

Remember: Rav says Mav'eh = man (person)

The differences between ox and man:

Ox's strictness: The owner pays "Kofer" (ransom money) if the ox kills someone

Man's leniency: Man pays FOUR extra types of damages when hurting someone (pain, medical bills, lost work time, embarrassment) - but he doesn't pay Kofer

Questions about this explanation:

Q: The Mishnah says "it's their nature to damage." Is that really true about an ox? **A:** This refers to a Mu'ad ox (one that's gored three times before)

Q: Is it really a Mu'ad's nature to damage? **A:** Yes!

Q: Is it really a person's nature to damage? **A:** This refers to a sleeping person who moves around and accidentally hits things

Q: For a person, shouldn't it say "he must guard HIMSELF"?

A: Yes, the Mishnah should say that for man.

Other suggestions for what Mav'eh means:

Someone suggests: Maybe Mav'eh means water?

- Rejected: The grammar of the verse shows it's about fire, not water

Someone suggests: Maybe Mav'eh means fire?

- Rejected: The Mishnah lists Mav'eh AND fire separately!

- Mixing holy and regular food

- Pouring wine to idols

Why the different counts?

- Our Mishnah:** Only direct, obvious damage
- R. Oshiya:** Direct damage + indirect damage (like guardians losing your stuff), but no fines
- R. Chiya:** EVERYTHING - direct damage, indirect damage, AND fines

Section 3: How Many Damage Categories Are There Really?

Different rabbis count different numbers:

Our Mishnah: 4 Categories

- Ox, pit, Mav'eh, fire

R. Oshiya: 13 Categories

The 4 from our Mishnah, PLUS:

- 4 types of guardians (unpaid guardian, borrower, paid guardian, renter)
- 5 types of damage to people (permanent injury, pain, medical bills, lost work, embarrassment)

Why only 13? He counts only cases of actual payment, not fines (penalty payments).

R. Chiya: 24 Categories

All 13 from R. Oshiya, PLUS 11 more that involve fines:

- Thief pays double
- Thief pays 4-5 times for selling/slaughtering stolen animals
- Regular thief and open robber
- False witnesses
- Rapist and seducer
- False claim about bride's virginity
- Making food ritually impure