

Which one is a *Mued*, etc.

איזהו מועד כולי -

OVERVIEW

Our משנה states that an ox becomes a מועד if he was warned (for goring) three days/times. There is a מחלוקת between רבי and רשב"ג if a חזקה is established when something occurs twice (the view of רבי), or only if it occurs three times (רשב"ג).¹ לא תוספות will maintain that regarding שור המועד there is no dispute.

אומר רבינו יצחק דהא דאמרינן בהבא על יבמתו (יבמות דף סד,ב) -

The ר"י states that this which the גמרא states in יבמתו - פרק הבא על יבמתו

דסתם לן תנא דשור המועד כרבן שמעון בן גמליאל² דאמר בשלש זימנין הוי חזקה -

That the תנא here in ב"ק regarding שור המועד ruled anonymously like רשב"ג who maintains that a חזקה is established if an occurrence is repeated three times -

לא משום דתיהוי פלוגתייהו בשור המועד³ דמקראי⁴ דרשינן:

It is not because that their argument (of רבי ורשב"ג) applies to a שור המועד, for we derive from verses that a שור becomes a מועד through three warnings, but rather both רבי ורשב"ג agree that a שור המועד requires three warnings.

SUMMARY

All agree that a שור becomes a מועד with three warnings.

THINKING IT OVER

According to רשב"ג, why is a פסוק necessary to teach us that a שור becomes a מועד after three times; since according to him a חזקה is always established after three times?!

¹ This is relevant concerning the rule that if the prior brothers die on account of a ברית מילה we are not מל the other brothers. According to רבי if two brothers die we are not מל the third brother; according to רשב"ג, only if three brothers die.

² This would seemingly indicate that there is a dispute between רבי ורשב"ג how many warnings are required for a שור to become a מועד and our משנה rules like רשב"ג and not like רבי. תוספות rejects this notion.

³ The גמרא there means to say that the rule of שור המועד follows the position of רשב"ג that three times is a חזקה. רבי will maintain that a חזקה can generally be established by two times, but by שור המועד there is a גזירת הכתוב that it must be three times. See 'Thinking it over'.

⁴ See the גמרא immediately that we derive it from the פסוק (in כא, לו) (משפטים) שמות which states או נודע כי שור נגח הוא מתמול שלשום ולא ישמרנו בעליו.