

And its manner is to go and damage

ודרכו לילך ולהזיק –

OVERVIEW

The **ברייטא** mentions that the **חומרא** of **שור** over **בור** is that a **שור** is **ולהזיק** and **לילך**. Our **תוספות** will discuss why the **ברייטא** does not mention other apparent **חומרות** of **שור** over **בור**.

תוספות responds to the following anticipated question:

הא דלא חשיב שהוא בעלי חיים מה שאין כן בבור משום דהוי בכלל ודרכו לילך ולהזיק¹ -

The reason the **ברייטא** **did not mention** among the **חומרות** of **שור**; **that it is a living being, which is not the case by בור, is because** being a **חי** is **included** in the **חומרא** of **שור** **ולהזיק** and **לילך**. The **ברייטא** did not mention another **חומרא** of **שור** over **בור**; namely that **שור** is a **חי** and a **בור** is not, because the **חומרא** of being a **חי** expresses itself in the fact that it can move and damage, as opposed to **בור** which damages only in its place.

תוספות anticipates an additional difficulty and resolves it:

וכוונתו להזיק לא שייך למתני גבי בור שאין בעלי חיים:

And the **חומרא** of **שור** **להזיק** which **שור** has,² **that is not applicable to mention** as a **חומרא** of **שור** **compared to בור, since בור is not a חי**. It is not appropriate to claim that **שור** is more **חמור** than **בור**, since **שור** is **להזיק**, for since **בור** is not a **חי** the idea of **שור** **להזיק** is inapplicable.³

SUMMARY

The **חומרות** of **שור** **להזיק** (and **כוונתו להזיק**) are synonymous with the **חומרא** that **שור** is a **בעל חי**.

THINKING IT OVER

דרכו לילך is **אש** **להזיק** and it is included in **שור** **להזיק**.⁴ Seemingly **אש** is **להזיק** and it is not a **חי**. How can **תוספות** claim that they are synonymous?!⁵

¹ See 'Thinking it over'.

² **כוונתו להזיק** is referring to **קרן** which is **שור** here (ד"ה חומרא) has just previously mentioned **תוספות**.

³ See **מהר"ם** who explains as follows; once we mentioned **שור** **להזיק** which (as **תוספות** just taught) is the equivalent of saying that the **חומרא** of **שור** is that it is a **בעל חי** (as opposed to **בור** which is not a **חי** and not **דרכו לילך**), it is inappropriate to mention (again) that the **חומרא** of **שור** over **בור** is that **שור** is **להזיק** (and **בור** is not), for once we have already established that **בור** is not a **בעל חי** it is obvious (and included) that a **בור** is **כוונתו להזיק**. [Alternately: The **חומרא** of **שור** **להזיק** is that it is more prone to damage since **שור** **תקפו**. This applies when contrasted with **שור** (who are more placid). However **בור** which is always prone to damage is no less **חמור** than the **שור**.] See **סו"ד** **אות** **סז**.

⁴ See footnote # 1.

⁵ See **בל"י** **אות** **רעז**.