

Or to testify for the person

אי לייעודי גברא –

OVERVIEW

The גמרא poses a query, whether the three warning times are לייעודי תורא (for the ox) or לייעודא גברא (for the man). The word לייעודי can be interpreted to mean to make him a מועד, a habitual goring animal or transgressor. תוספות maintains that לייעודי גברא means something different.

לייעודי גברא cautions us not to misinterpret גברא:

לא שיהא מועד לעבור בהתראות¹ דאם כן לא היה מתחייב עד נגיחה של חמישית² נזק שלם -

It does **not** mean that we are testifying against the person **that he is habituated to transgress warnings, for if that were indeed so, he would not be liable to pay a נ"ש until the fifth goring**, which is not the case, proving that we are not looking to make him a מועד לעבור בהתראות -

אלא לייעודי שיודיעו³ בכל פעם שנגח שורו וישמרנו:

But rather the word לייעודי in reference to the גברא means **to inform him every time that his ox gored so that he will watch** the ox.

SUMMARY

לייעודי גברא means to inform the person, but not to make him a מועד.

THINKING IT OVER

Seemingly he transgresses each warning by not watching his ox; when his ox gored the fourth time he already (before he gored) transgressed the third warning by not watching his ox, therefore he should pay for the fourth goring!⁴

¹ Just as לייעודי תורא means that we are establishing that this ox is habituated to gore, and therefore he is a מועד, we can also say that since we warned this person three times and he ignored it that means that the person is a מועד to ignore these warnings and should therefore pay a נ"ש.

² The first time the ox gored the person did not ignore any warning for there was none. He ignored the first warning after the second goring, the second warning after the third goring, and the third warning after the fourth goring, so he becomes a מועד only after four times goring and is required to pay a נ"ש for the fifth goring only. [This follows the ruling of תוספות that even though א שור becomes a מועד after three goring three times, he does not pay a נ"ש until the fourth time (the time after he became a מועד), similarly here, since the person became a מועד after the fourth נגיחה, he is חייב only the next time he gored.] See 'Thinking it over'.

³ The word לייעודי means to inform (from the word הודיעה), but is not associated with the word מועד regarding the person.

⁴ See נחלת משה.