



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Baba Kama Daf Beis

MESECHTA BAVA KAMMA

PEREK ARBA'AH AVOS -- PEREK RISHON

MISHNA

- There are 4 primary damagers ("avos nezikin"): the ox, the pit, "maveh", and fire.
 - The ox is not like maveh, and maveh is not like the ox. These two, which are living things, are not like fire, which is not a living thing. These 3 things, which move and do damage, are not like the pit, which does not move and do damage. The common characteristic of all these four is that they do damage and the owner is therefore responsible to watch over them. And, if they do damage, the owner is chayuv to pay for the damage with the best of land.

GEMARA

- **Q:** From the fact that the Mishna labels these damagers as "avos" (primary), it must mean that there are "toldos" (secondary) damagers as well. Will the toldos have the same halachos as the avos or not? Regarding the melachos of Shabbos we have learned that there are avos and toldos, and we have learned that the toldos *are* like the avos – they would each carry a chatas or a skila penalty. The reason for the labels is only that if a person does an av and its toldah he would only be chayuv for one chatas. According to **R' Eliezer**, who says that he would be chayuv 2 chatas in that case, the different labels only symbolize that the avos were significant melachos done in the building of the Mishkan, and the toldos were less significant. Regarding tumah we have also learned that there are avos and toldos, and there we learned that the toldos are *not* like the avos – the avos can make a person or a keili tamei, and the toldos can only make food and drinks tamei. Regarding damagers, what is the halacha – are the toldos like the avos or not? **A: R' Pappa** said, there are some toldos that are like the avos, and others that are not like the avos.
 - A Braisa says, there are 3 avos of damagers written in the Torah regarding an ox – keren (damage done with the horns, i.e. goring), shein (damage done with the teeth, i.e. by eating), and regel (damage done with the feet, i.e. by trampling).
 - **Q:** How do we learn the damager of keren in the Torah? **A:** A Braisa says, the pasuk says "ki yigach", which refers to the damage of keren, as another pasuk discusses horns and says they will be used "tinagach" – to gore. Another pasuk also says that horns will be used "yenagach" – to gore.
 - **Q:** Why is the second pasuk needed? **A:** The pasuk quoted was a pasuk in Nevi'im, so we may think to say that we can't use a pasuk from Nevi'im to explain what is meant by a pasuk in the Torah. Therefore we bring the second pasuk, which is a pasuk in the Torah as well.
 - **Q:** The pasuk is not explaining the pasuk in the Torah, it is simply saying that the term "negicha" refers to goring by the horns!? **A:** The first pasuk was discussing a detached horn. We would think that the special halachos of keren (that the owner only pays for half the damage when the animal is a "tam", which hasn't shown a tendency to damage) only apply to damage done with a detached horn. The Gemara therefore brings the next pasuk, which discusses an attached horn, to teach that these halachos even apply to damage done by an attached horn.

- **Q:** What are the toldos of keren? **A:** Pushing with its body, biting to damage, sitting on something to damage it, and kicking something to damage it.
 - **Q:** Goring is referred to as an av, because the Torah says “ki yigach”. A pasuk also says “ki yigof” (which generally refers to pushing), so why isn’t pushing an av damager as well? **A:** The “ki yigof” in that pasuk actually refers to goring, as clearly stated in a Braisa.
 - **Q:** Why is it that when discussing the goring of a person the pasuk says “ki yigach” and when discussing the goring of another animal the pasuk says “ki yigof”? **A:** “Yigach” refers to a more deliberate attack. A person who has intelligence, will normally be able to avoid being gored unless the animal does so deliberately. An animal, which has no intelligence, is susceptible to be gored even when the goring animal is less intent on doing the goring, and therefore the Torah uses the term “ki yigof”.
 - By using these different terms, the Torah is also teaching that if an animal becomes a “muad” to attack people, it is automatically considered to be a muad for attacking animals as well. On the other hand, if it has become a muad to attack animals, it is not automatically considered to be a muad for attacking people as well.
 - **Q:** Biting seems to be a toldah of shein!? **A:** The category of shein refers to a damage where the animal derives physical pleasure. This biting is referring to a biting where the animal gets no such pleasure, and is instead biting just to damage.
 - **Q:** Sitting on something and kicking something seem to be a toldah of regel!? **A:** The category of regel refers to a damage that is common. Sitting and kicking with intent to damage is not considered to be a common damage.
 - **Q:** When **R’ Pappa** said that some toldos of damagers are not like the avos, which avos was he referring to? It can’t be that he was referring to the toldos of keren, because the characteristic of keren are that the animal has intent to damage and the owner is obligated to watch his animal and prevent it from damaging, and the toldos are exactly the same in this regard, and therefore will not be treated differently!? **A:** Clearly we must say that the toldos of keren are treated just like the av, and when **R’ Pappa** said that there are some toldos that are not like the avos, he must have been referring to the toldos of shein and regel.