



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

### Bava Kamma Daf Chuf Vuv

- **Q:** We should say that shein and regel are only chayuv for half damages in the reshus of the nizik, based on a kal v'chomer from keren – if keren, which is chayuv in the reshus harabim, is only chayuv half damages in the reshus of the nizik, then shein and regel, which are patur in the reshus harabim, should surely only be chayuv half damages in the reshus of the nizik!? **A:** The pasuk regarding shein and regel says “yishaleim”, which teaches that there must be a “complete” payment.
- **Q:** We should say that keren should be patur in the reshus harabim based on a kal v'chomer – if shein and regel, which are chayuv for full damages in the reshus of the nizik, are patur in the reshus harabim, then keren, which is only chayuv half damages in the reshus hanizik, should surely be patur in the reshus harabim!? **A:** **R' Yochanan** said, the pasuk regarding keren says the extra word “yechetzun”, which teaches that keren pays half damages in the reshus of the nizik and in the reshus harabim.
- **Q:** We should say that a person who kills another person (in a case where he will not be chayuv misah) should be chayuv to pay kofer based on a kal v'chomer – if an ox, whose damage will never result in the payment of the 4 additional payments (tzaar, ripuy, sheves, boshes), will make the owner obligated to pay kofer, then surely when a person, who is chayuv in the additional 4 payments when he damages, should be chayuv to pay kofer if he kills!? **A:** The pasuk regarding kofer uses the word “alav”, which serves to limit the kofer payment to when an animal kills, and not when the person himself kills.
- **Q:** The owner of an ox should be chayuv in the additional 4 payments when his ox damages, based on a kal v'chomer – if a person, who is not chayuv in kofer, is chayuv for these 4 payments, then an ox, who does create a chiyuv of kofer, should surely create a chiyuv for these 4 payments!? **A:** The pasuk regarding these payments says “ish...ba'amiso”, which teaches that only a person, and not an animal, can create this chiyuv.
- **Q:** If an animal stepped on and killed a child in the reshus of the nizik, as it was walking, is there a kofer obligation? Do we say that when keren becomes a muad, it becomes normal for the animal to act in this way, and that is why it pays kofer, so regel, which is also normal for the animal, therefore also carries the kofer obligation, or do we say that keren pays kofer because of the intent to damage, and since regel doesn't have intent, there is no kofer payment? **A:** A Braisa says, if an ox goes into the reshus of the nizik and gores and kills the property owner, **R' Tarfon** says the ox is stoned and the owner must pay full kofer – whether the ox was a tam or a muad. Now, **R' Tarfon** learns that full kofer must be paid even for a tam from **R' Yose Haglili**, who holds that a tam pays half kofer in the reshus harabaim. **R' Tarfon** says it is full kofer in the reshus of the nizik based on a kal v'chomer from regel. We see that there is kofer for regel.
  - **R' Simi of Neharda'ah** said, this is no proof. It may be that regel doesn't pay kofer, and that **R' Tarfon** is using regel to establish a kal v'chomer that the reshus of the nizik is more stringent than the reshus harabim.
    - **Q:** That is not a valid kal v'chomer, because damages can be said to be more stringent than kofer, as we see that one is chayuv for damages of fire, but not for kofer for fire!? **A:** The kal v'chomer can be made in a case where regel damages something hidden, in which case fire is not chayuv for damages.
    - **Q:** We can ask that even in this case one would be chayuv for the damages of a bor, and therefore damages cannot serve as a basis for a kal v'chomer to teach regarding kofer!? **A:** The kal v'chomer would be based on a case of regel damaging keilim, in which case bor would not be chayuv.
    - **Q:** We can ask that even in this case one would be chayuv for the damages of a fire, and therefore damages cannot serve as a basis for a kal v'chomer to teach

regarding kofer!? **A:** The kal v'chomer would be based on a case of regel damaging hidden keilim, in which case bor and fire would not be chayuv.

- **Q:** We can ask that even in this case one would be chayuv for the damages of a person, and therefore damages cannot serve as a basis for a kal v'chomer to teach regarding kofer!? **A:** Therefore, it must be that the kal v'chomer is learned from the fact that regel pays kofer. **SHEMAH MINAH.**
  - **R' Acha MiDifti** said to **Ravina**, this makes sense as well, because if not, we can ask that he can't bring a kal v'chomer from regel, because regel itself is not chayuv in kofer but is chayuv in damages!? Rather, we must say that regel does pay kofer. **SHEMAH MINAH.**

#### MISHNA

- A person is always a muad, whether he damages b'shogeg, b'mezid, whether he was awake or asleep. If a person blinds another person (even b'shogeg), or broke keilim, he must pay full damages.

#### GEMARA

- The Mishna compares the case of blinding a person to breaking keilim, to teach that just as when a person damages keilim there are no payments for the additional 4 items (tzaar, ripuy, etc.), the same is true for an unintentional blinding of another person.
- **Q:** How do we know that a person must pay for damage done even when unintentional? **A:** **Chizkiya** said, the pasuk says the extra words of "petza tachas patza", to teach that a person is even chayuv to pay for unintentional damage.
  - **Q:** That pasuk is needed to teach that a person must pay for pain even when he pays for damages!? **A:** The word "tachas" is not needed to teach that. Therefore, we can learn both things.
- **Rabbah** said, if a person did not know that there was a stone on his lap, and he then stood up and the stone fell off: if the stone damaged someone, the person is chayuv (even though it was unintentional) for damages, he is patur for the other 4 payments, if the stone went from reshus harabim to reshus hayachid on Shabbos he would not be chayuv, if he accidentally killed he would not be chayuv to go into galus, and if he injured his slave it would be a machlokes between **R' Shimon ben Gamliel and the Rabanan** whether the slave would go out free.
  - If initially he knew that the stone was on his lap and he forgot that it was there, and he then stood up and the stone fell off: if the stone damaged someone, the person is chayuv (even though it was unintentional) for damages, he is patur for the other 4 payments, if he accidentally killed he would be chayuv to go into galus, if the stone went from reshus harabim to reshus hayachid on Shabbos he would not be chayuv, and if he injured his slave it would be a machlokes between **R' Shimon ben Gamliel and the Rabanan** whether the slave would go out free.
  - If he intended to throw the stone two amos, but it accidentally went 4 amos: if the stone damaged someone, the person is chayuv (even though it was unintentional) for damages, he is patur for the other 4 payments, if the stone went 4 amos in the reshus harabim on Shabbos he would not be chayuv, if he accidentally killed he would not be chayuv to go into galus, and if he injured his slave it would be a machlokes between **R' Shimon ben Gamliel and the Rabanan** whether the slave would go out free.
  - If he intended to throw the stone 4 amos and it went 8 amos: if the stone damaged someone, the person is chayuv (even though it was unintentional) for damages, he is patur for the other 4 payments, with regard to Shabbos, if he said let it land wherever it lands, then he would be chayuv, and if not he would be patur, if he accidentally killed he would not be chayuv to go into galus, and if he injured his slave it would be a machlokes between **R' Shimon ben Gamliel and the Rabanan** whether the slave would go out free.
- **Rabbah** also said, if someone throws a keili off a roof and someone else comes and breaks the keili before it hits the ground, the person who broke the keili is patur, because he is considered to have broken a broken keili.
- **Rabbah** also said, if someone threw a keili off a roof, but there were pillows beneath it on the ground that would have prevented it from breaking, and someone else then came and took away the pillows before the keili landed on them (causing the keili to break when it hit the

ground), the person who threw it is patur, because his throwing of the keilim would not have broken the keilim.

- **Rabbah** also said, if a person threw a child off a roof and another person “caught” the child on a sword, killing him, it would be subject to the machlokes between **R’ Yehuda ben Beseira and the Rabanan** as to who would be chayuv for the killing of this child. A Braisa says that if 10 people hit a person with 10 sticks and the person died, the **Rabanan** say that whether they all hit at the same time or if they hit consecutively, they will all be patur. **R’ Yehuda ben Beseira** says if it was done consecutively the last person would be chayuv, because he brought about the death quicker. In our case also, the person who caught him on the sword brought about the death quicker.
  - If an ox came and caught the child on his horns, killing the child, it would be subject to the machlokes between **R’ Yochanan ben Broka and the Rabanan** as to whether the owner would be chayuv kofer. According to the **Rabanan** kofer is determined based on the value of the nizek, and since in this case the child is already considered dead as soon as he is thrown off the roof, he has no value and therefore kofer would not be paid. According to the **R’ Yochanan ben Broka**, kofer is determined based on the value of the mazik, so kofer would have to be paid.