



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

### Bava Kamma Daf Lamed Aleph

#### MISHNA

- If two potters were walking behind each other in the reshus harabim, and the first one tripped and fell, and the second one then tripped over the first one and fell, the first one is chayuv for any damage caused to the second one.

#### GEMARA

- **R' Yochanan** said, don't think the Mishna only follows **R' Meir**, who says that a person who trips is considered to be negligent and that is why he is chayuv. Rather, the Mishna can even follow the **Rabanan**, who say that such a person is an oneis and is patur. However, in the Mishna he is chayuv because the case is where he had enough time to get up before the second potter tripped over him, and since he did not, he is chayuv. **R' Nachman bar Yitzchak** said, that even if he did not have enough time to get up, the **Rabanan** would say that he is chayuv in this case, because he should have warned the person behind him, and he did not do so. **R' Yochanan** would say that if he did not have enough time to get up, he cannot be expected to warn someone either.
  - **Q:** A Mishna says, if a person carrying a beam was walking in front of a person carrying a barrel, and the barrel broke on the beam, the owner of the beam is patur. However, if the owner of the beam had stopped walking, and that caused the barrel to walk into him and break the barrel, the owner of the beam would be chayuv. Presumably, this refers to where he stopped to adjust the beam on his shoulder, which is normal for one to do, and yet we see that he is chayuv, because he should have warned the person walking behind him, and this Mishna is a proof to **R' Nachman!**? **A:** The case is where he stopped to rest, which is not normal to do in the reshus harabim, and that is why he is chayuv for not warning the person behind him.
    - **Q:** This would mean that if he stopped to adjust the beam he would be patur. If so, when the end of the Mishna says that if the beam owner told the barrel owner to stop, then the beam owner would be patur, the Mishna could have given a different case of patur, and said that he is only chayuv in the first case because he stopped to rest, but if he had stopped to adjust the beam he would be patur!? **A:** The Mishna wanted to give this case, because it is teaching that even if the beam owner stopped to rest, he will be patur if he told the barrel owner to stop.
  - **Q:** A Braisa says, if potters are walking one behind the other, and the first one trips and falls, the second one then falls over the first one, and the third one then falls over the second one, the first one is chayuv for the damage to the second one, and the second one is chayuv for the damage to the third one. If they all fell because of the first one, the first one is chayuv for the damage to them all. If they warned each other, then they are patur. Presumably, this is talking about where they could not get up in time to prevent the one behind them from tripping over them, and we see that they are chayuv if they don't warn, which is a proof to **R' Nachman!**? **A:** The case is where they did have enough time to get up.
    - **Q:** This would mean that if they didn't have time to get up they would be patur. If so, instead of giving the case that if they warned each other they would be patur, the Braisa should say, they are only chayuv if they had enough time to get up, but if they didn't have enough time to get up they would be patur!? **A:** The Braisa wanted to give this case, because it is teaching that even if they had enough time to get up, if they warned each other they would be patur.

- **Rava** said, the Braisa means that the first one is chayuv for the damage caused by his body and by his property. The second potter is chayuv for the damage caused by his body, but not by his property.
  - **Q:** This doesn't seem to be right!? If one who trips is considered to be negligent, the second potter should even be chayuv for damage done by his property, and if one who trips is not considered to be negligent, even the first potter should not be chayuv at all!? **A: Rava** holds that the first one to trip is definitely considered to be negligent. The second potter is chayuv for damage caused by his body, because he should have gotten up, but didn't. He is patur for damage caused by his property, because he can claim that he tripped through no fault of his own.
  - **Q:** A Braisa says, all of them are chayuv for damage caused by their bodies, and are patur for damage done by their property. Presumably this refers even to the first one, and refutes **Rava**!? **A:** The Braisa means all of them *besides* the first one.
    - **Q:** The Braisa says "all of them"!? **A: R' Ada bar Ahava** said, this refers to "all of the ones who were damaged by others", and the first one was not damaged by anybody.
    - **Q:** If so, the Braisa should say "the damaged ones", and not use the words "all of them"!? **A:** Rather, we must say that **Rava** meant that the first potter is chayuv for damages done to the body and the property of the second potter, whereas the second potter is only chayuv for damages done to body of the third potter, and not to his property. The reason for this is, that the second potter is considered to be a bor, and a bor is not chayuv for damage to keilim.
    - **Q:** This makes sense according to **Shmuel** who says that something can get the status of a bor even if it is not hefker. However, according to **Rav**, who says that only something that is hefker gets the status of a bor, how can this be understood!? **A:** We must say that **Rava** meant like we said originally. Although we asked that the words "all of them" are problematic, we will explain this as **R' Ada bar Ahava** did to **Ravina**, that when we say that even the first person is patur it is referring to where the keilim of the first person damaged the keilim of the second person.
- **Q:** The Braisa said, if they all fell because of the first potter, the first potter is chayuv for the damages to all of them. How could it be that the third potter fell because of the first potter, but not because of the second potter? **A: R' Pappa** said, the case is where the first potter was sprawled out across the width of the road, so although the third potter was able to get around the second one, he couldn't avoid the first one. **R' Zvid** said, the case is where he was stretched across the width of the road like the stick of a blind person.