



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

Bava Kamma Daf Mem Gimme!

- **Reish Lakish** said, if an ox killed a slave unintentionally, the owner is not chayuv to pay the 30 shekel to the owner of the slave. This is based on the pasuk that says the 30 shekel must be paid "v'hashor yisakel". This teaches that only when the ox will be put to death, must the 30 shekel be paid.
- **Rabbah** said, if an ox killed a person unintentionally, the owner is not chayuv to pay kofer. This is based on the pasuk that says "hashor yisakel, v'gam b'alav yumas, ihm kofer...", which teaches that only when the ox will be put to death must the kofer be paid.
 - **Q: Abaye** asked, a Mishna says, if a person says "My ox killed a person", he is chayuv to pay based on this admission. Presumably this is referring to kofer, and we see it must be paid even when the ox won't be put to death (it is not put to death unless there are 2 witnesses to the killing)!? **A:** The Mishna is not discussing kofer, it is discussing payment for damages.
 - **Q:** If it is referring to payment for damages, how are we to understand the next part of the Mishna, which says, if a person says "my ox killed someone's slave", he does not pay based on this admission (because the 30 shekel payment is a penalty payment). Now, if the Mishna is discussing payment for damages, even though the 30 shekel payment will not be made, the payment for the damages should be made, so why does the Mishna say "he does not pay"!? **A: Rabbah** said, I could answer that the first part of the Mishna discusses payment for damages, and the later part of the Mishna discusses payment for penalty. However, that is a forced answer. Therefore, I will answer that the entire Mishna is discussing payment for damages. Regarding kofer, where a person pays based on his own admission (for example, if witnesses say that an ox killed a man, but don't know if the ox was a tam or a muad, and the owner says it was a muad, he must pay the kofer), therefore even when there are no witnesses at all, which means the ox will not be put to death, the owner must pay for damages. Regarding the payment of 30 shekel for a slave, which a person does not pay on his own admission (for example, if witnesses say that an ox killed a slave, but don't know if the ox was a tam or a muad, and the owner says it was a muad, he does not pay the 30 shekel), therefore if there are no witnesses at all, which means the ox will not be put to death, the owner does not pay for damages.
 - **Q: R' Shmuel bar R' Yitzchak** asked, a Braisa says, whenever a person would be chayuv if his ox killed a Yid, he will also be chayuv if his ox killed a slave, whether in regard to kofer or to putting the animal to death. Now, this can't refer to kofer, because there is no kofer for the killing of a slave. Rather, it must refer to the damages to be paid, and we see that whenever they are paid in a case of killing a Yid, they must also be paid for in the case of the killing of a slave!? **A: Rabbah** answered, the Mishna should be understood as saying as follows: Wherever a person is chayuv kofer for an ox intentionally killing a Yid based on the testimony of witnesses, in that case he would be chayuv the 30 shekel for killing a slave. Wherever a person would be chayuv for damages for an ox killing a Yid unintentionally based on the testimony of witnesses, he would be chayuv for damages for the unintentional killing of a slave where there are witnesses. However, when there are

no witnesses, only admission of the owner, the two cases would produce different results.

- **Rava** asked **Rabbah**, according to what you just said, if a person killed someone unintentionally with a fire that he lit, and there were witnesses who testify, he should be chayuv to pay for damages!? The Gemara explains that **Rava** was actually uncertain himself whether a person's fire that unintentionally killed would make him chayuv to pay damages. Maybe we say that an ox which killed intentionally is chayuv kofer, and therefore is chayuv for damages when it is done unintentionally, but a fire that never pays kofer will also not pay damages when the killing was done unintentionally. Or, maybe we say that an ox that kills unintentionally will be chayuv to pay for damages even though he is patur from paying kofer, so a fire that is also patur from kofer will also pay for damages when it killed unintentionally? The Gemara remains with a **TEIKU**.
- **R' Dimi in the name of R' Yochanan** said, the pasuk could have simply said "kofer", but instead says "ihm kofer". This teaches that there is a kofer obligation for an intentional killing as well as for an unintentional killing.
 - **Q: Abaye** asked, if so, when the pasuk says "ihm eved" will you say that this teaches that the 30 shekel must be paid for an unintentional killing as well as for an intentional killing? Now, this can't be, because **Reish Lakish** says that if an ox kills a slave unintentionally, the owner is patur from paying the 30 shekel!? **A: R' Dimi** said, you can't ask a question from **Reish Lakish** onto **R' Yochanan**. It may be that they disagree. In fact, we find that **Ravin** said in the name of **R' Yochanan** that if an ox kills a slave unintentionally, the owner *is* chayuv to pay the 30 shekel.
 - **Q:** According to **Reish Lakish**, who does not darshen the extra word of "ihm" by the slave, does that mean that he will also not darshen the extra word "ihm" by kofer? **A:** It may be that he would darshen it by kofer (to teach that kofer is paid even for an unintentional killing), because it is written in the parsha that discusses payment, but he does not darshen it regarding the slave, because it is not written in the parsha of payment.