



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

Bava Kamma Daf Nun Gimmel

NAFAL LEFANAV...

- **Rav** said, “forward” means it literally fell on its face (and died from the bad air), and “backward” means it literally fell on its back, and both cases are referring to where the animal fell into a bor (and teaches that one is only chayuv if the animal died from the bad air, not from the impact of the fall). This follows the view of **Rav** that one is only chayuv from death caused by the bad air. **Shmuel** said, if the animal fell into a bor, he is chayuv whether the animal fell forward or backward. This follows **Shmuel's** view that one is chayuv for death caused by the bad air and certainly if caused by the impact.
 - **Q:** According to **Shmuel**, what is the case of falling backward that the Mishna says he is patur? **A:** The case would be where the animal fell into the pit, but hit itself on the ground outside the pit and died from that impact.
 - **Q:** A Braisa says, in an animal falls into a pit, whether it fell forward or backward, the owner of the bor is chayuv. This refutes **Rav**!? **A:** **R' Chisda** said, the Braisa is discussing where the bor is in the digger's reshus, and **Rav** agrees that in that case he is chayuv, because whether due to the bad air or due to the impact on the ground, they are both the property of the digger and he is therefore chayuv. **A2: Rabbah** said, the case is where the animal fell head first and turned midair to its back. In that case, since it fell head first, the bad air had an effect on it and is what caused it to die. **A3: R' Yosef** said, the Braisa is discussing the damage done by the ox to the water in the bor. In that case he is chayuv, whether the ox fell in head first or backward.
 - **R' Chananya** taught a Braisa that supports **Rav**. The Braisa says, the word “v'nafal” in the pasuk teaches that if an animal falls into a bor from the sound of the digging, if it falls forward the owner of the bor is chayuv, and if it fell backward he would be patur.
- **Q:** Why don't we say that the one who made the noise should be chayuv, since he was the one who caused the animal to fall into the bor!? **A:** **R' Simi bar Ashi** said, the Mishna follows **R' Nosson**, who says that when two people caused damage and the nizek can't collect from one of them, he collects it all from the other. Therefore, since he can't collect from the one who made the noise (it was only a grama) he collects from the owner of the bor.
 - We see that he holds that they are both chayuv, because he says in a Braisa, if an ox pushed another ox into a bor, they each pay half the damage (the **Rabanan** say that the owner of the ox is chayuv for the entire damage). Now, in another Braisa he says that the owner of the bor pays $\frac{3}{4}$ of the damage? That Braisa must be talking about where the ox was a tam, and **Rava** explains that **R' Nosson** holds that each party is chayuv for the entire damage. Therefore they each pay half (you don't pay for more than the damage). The owner of the tam can say, I would anyway have to pay for only half, so I should only pay $\frac{1}{4}$ now! Since he only pays for $\frac{1}{4}$, the owner of the bor must pay for $\frac{3}{4}$, because where one party is patur from paying, the other must pay, as **R' Nosson** said above. We can also say that **R' Nosson** really holds that each is only responsible for half the damage, which means that the tam (who pays for half his damage) must only pay $\frac{1}{4}$ of the damage. The reason why the owner of the bor must pay for the missing $\frac{1}{4}$ is because the owner of the dead ox can tell the owner of the bor, “I found my ox at the bottom of your pit, which shows that you killed it. I will collect whatever I can from the other ox, but you will have to make up the difference”.
 - **Rava** said, if someone puts a rock near a bor and an ox trips on the rock and falls into the bor, it would be subject to the machlokes between **R' Nosson and the Rabanan**.

