

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.
 - o **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 nizik 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.
 - O 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 ¾ 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 ¼ now! Since he only pays for ¼, the owner of the bor must pay for ¾, 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 ¼ of the damage. The reason why the owner of the bor must pay for the missing ¼ 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.

- where the ox pushed the other ox the owner of the bor can say, if my bor wasn't there your ox would have killed the other ox anyway, and therefore you are at least partially chayuv. However, in the case with the rock, we would think that the owner of the rock can say, if your bor wouldn't have been there, the animal would have tripped and stood back up, so you should be chayuv for the entire damage! Rava therefore teaches that he can tell the owner of the rock, if not for your rock the ox would never have fallen into the pit.
- We have learned, if a regular ox and an ox that became passul to be used as a korbon after being designated as such, gored another animal, Abaye says the regular ox is chayuv half damages, and Ravina says he is chayuv ¼ of the damages.
 - We can say that both agree that the case is where the ox was a tam, but Ravina holds like the Rabanan and Abaye holds like R' Nosson. We can also say that both follow the Rabanan and Ravina is talking about a tam and Abaye is talking about a muad.
 - Others say that Abaye says the ox is chayuv half damages and Ravina says he is chayuv full damages. We can explain that all are discussing where the animal was a muad, and Abaye follows the Rabanan, and Ravina follows R' Nosson. We can also say that they both follow R' Nosson, but Ravina is talking about a case of muad and Abaye is talking about a case of tam.
- Rava said, if an ox and a person push something into a bor, then with regard to damages all of them are chayuv. If they pushed a person into the bor, then with regard to payment the 4 payments and paying for the babies if they caused a miscarriage, the person would be chayuv, but the ox and bor would be patur. Regarding kofer and paying 30 shekalim (if they killed a slave), the ox would be chayuv and the person and bor would be patur. Regarding damage to keilim and an ox that became passul for a korbon, the person and the ox would be chayuv, and the bor would be patur. A bor is patur for damage done to such an animal, because the pasuk says "v'hameis yihiyeh lo", and this animal cannot be said to belong to the person.
 - Q: We find that Rava was unsure whether the owner of a bor is chayuv when such an animal falls into the bor!? A: At first he was unsure, but later he was sure.
 - Q: If we use "v'hameis yihiyeh lo" to teach that, how do we know the halacha that the owner of the dead ox must deal with the carcass? A: We learn it from the pasuk of "v'hameis yihiyeh lo" written with regard to an ox that damages.
 - Q: Maybe we should say that we learn that from the pasuk by bor, and the pasuk by an ox instead teaches that an ox is patur when it damages an animal that became passul as a korbon!? A: Since we find that a bor is patur if it damages keilim, it is logical that it is patur from this as well.
 - Q: It is more logical to say that an ox is patur, because he only pays half damages as a tam!? A: We never find that an ox is fully patur. Therefore, it makes more sense to apply the exemption to bor.