



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

Bava Kamma Daf Pey Gimmel

LO YIGADEL ADAM ES HAKELEV ELAH IHM KEIN KASHUR BISHALSHILA'OS...

- A Braisa says, a person may not raise a dog unless it is tied with a chain, however one may raise a dog in a city near the border, as long as it is tied up by day and can then be let loose at night.
- A Braisa says, **R' Eliezer Hagadol** says, one who raises dogs is like one who raises pigs.
 - The significance of this statement is that he would be included in the curse placed on one who raises pigs
 - **R' Yosef bar Menyumei in the name of R' Nachman** said, Bavel is considered to be a city near the border. The Gemara says, this refers to Neharda'ah.
- **R' Dustai of Biri** darshened, the pasuk says that Hashem rests His Shechina on not less than 22,000 Yidden. Therefore, if there were 21,999 Yidden, and there was a pregnant woman whose child would complete the number to 22,000, and a bog barked at her, scaring her, and causing her to miscarry, it turns out that this dog's owner caused the Shechina not to rest on Klal Yisrael.
 - There was a woman who was going into a house to bake bread and the owner's dog barked at her. The owner told her, "Don't be afraid, its teeth have been removed". She told him, your reassuring words are worthless, because the fear has already caused me to miscarry.

EIN PORSIN NISHBIN LIYONIM...

- **Q:** A Mishna says that we must keep dovecotes 50 amos away from the city so that they do not eat from people's produce. This means that they don't travel more than 50 amos, so why does the Mishna suggest that doves can travel up to 30 ris, which is 8,000 amos!? **A: Abaye** said, they can fly up to 30 ris, but their stomachs are filled with what they eat in the first 50 amos. After that they don't eat anymore.
- **Q:** A Braisa says that doves can fly even up to 100 mil, which is far greater than 30 ris!? **A: R' Yosef** said, the Braisa is talking about flying among grapevines, where they fly from one to next and can therefore travel a greater distance. **Rabbah** said, the Braisa is discussing a place where there are many dovecotes along the way, again, allowing them to fly a greater distance.
 - **Q:** If there are other dovecotes there, it should be assur to spread nets based on the doves of those dovecotes, not just because of the ones travelling this great distance!? **A:** Either the case is where the other dovecotes belong to goyim, or where these dovecotes were hefker, or where these dovecotes belonged to the person spreading the nets.

HADRAN ALACH PEREK MERUBAH!!!

PEREK HACHOVEL -- PEREK SHMINI

MISHNA

- If a person wounds another person, he can be chayuv for 5 things: nezek (damage), tzaar (pain), ripuy (healing), sheves (loss of employment), and boshes (embarrassment).
 - How do we assess for nezek? If a person blinds another's eye, cuts off his hand, or breaks his leg, we view the victim as if he is a slave being sold at market and we assess how much he would have been worth before the injury, and how much he is now worth with the injury.
 - How do we assess for tzaar? If the victim was burned with a spit or hurt with a nail, even if it was on his fingernail, where there is no damage done, we estimate how much money a person would want to be willing to suffer this pain.

- How do we assess for healing? If the victim is hit, the attacker must pay the cost of healing him. If additional sores develop, we determine if they are due to the wound, in which case he must pay for their healing as well, and if they are not from the wound, he does not need to pay for their healing. If the wound healed and came back, and healed and came back, he is still chayuv to pay for its healing. If it fully healed, and then returned, he is not chayuv to pay for its healing.
- How do we assess loss of employment? We view the victim as if he is a cucumber watchman (and while he is unable to work, the damager must pay for wages that such a person would get) since he already paid him for the value of the hand or the foot.
- How do we assess embarrassment? That depends on who caused the embarrassment (if it is a lower level person it is more embarrassing) and on who gets embarrassed (the higher level he is, the more he gets embarrassed).

GEMARA

- **Q:** Why does he only pay for the value of the damage? The pasuk says “ayin tachas ayin”, so maybe we should blind his eye if he blinded someone else? **A:** That can’t be, because a Braisa says, we would think that we should blind him for blinding someone, cut off his hand if he did so to someone, and break his leg if he did that to someone. The pasuk therefore states “makei adam” and “makei beheima”, to teach that just as when one damages an animal he is punished with monetary payment, the same is for someone who damaged a person. If you want, you can learn it from another pasuk. The pasuk says, we do not take kofer payment from a murderer as his punishment. We learn from here that we do not take monetary payment for murder, but do so for one who damages another’s limb, even ones that will not grow back.
 - **Q:** Which pasuk of “makei” does the Braisa refer to? It can’t be the pasuk of “makei beheima yishalmena umakei beheima yumas”, because that refers to one who has killed!? **A:** One pasuk says “makei nefesh beheima...” and the next pasuk says “v’ish ki yitein mum ba’amiso kasher asah kein yei’aseh lo”.
 - **Q:** That pasuk doesn’t use the word “makeh”!? **A:** We make the gezeira shava using the concept of “hitting” (which is the subject matter of both pesukim) even though the exact word is not used.
 - **Q:** A pasuk says “v’ish ki yakeh kol nefesh adam mos yumas”, which says the person is put to death!? **A:** That is referring to money. It can’t be referring to actual death for two reasons: first, we have the gezeira shava that teaches it means money, and second, the pasuk also says “kasher yitein mum ba’adam kein yinasen bo”, which refers to money.
 - **Q:** Why does the Braisa have to give a second pasuk? **A:** The Braisa was saying, if you will say that maybe the gezeira shava should be learned from the pasuk of “umakei adam yumas”, and the person should be put to death, we have another pasuk that teaches that it refers to a monetary payment.
 - Although we can say that we would not use that gezeira shava to teach death, because we would learn damage from damage and not damage from death, we would think to maybe say that we should learn from there, because we should learn a pasuk referring to a person from a pasuk referring to a person, and not from a pasuk referring to animals. Therefore, we need the second pasuk to teach that there is only monetary payment.
 - **Q:** The pasuk of “lo sikchu kofer” is not available for this drasha, because it is needed to teach that he does not get punished monetarily and with death – rather he does not pay *because* he is chayuv misah!? **A:** We can learn that from “kidei rishaso”, which teaches that he is punished once, not twice.
 - **Q:** The pasuk of “lo sikchu kofer” is still needed to teach that he does not become patur by paying money!? **A:** We learn the drasha of the Braisa from the extra words of “l’nefesh rotzei’ach”.
 - **Q:** If we can learn this drasha from “lo sikchu kofer”, why do we need the gezeira shava? **A:** From the pasuk we would think that he has a choice to either pay money or have his eye blinded, etc. The gezeira shava teaches that it is only a monetary punishment.
- A Braisa says, **R’ Dustai ben Yehuda** says, “ayin tachas ayin” refers to a monetary payment. Maybe it refers to an actual eye and we must blind the damager? This can’t be, because if the

damager had a large eye and the damaged had a small eye, taking the damager's eye would not be called "an eye for an eye", because they are disproportionate. If you will say that when they are disproportionate he pays money, but when they are the same size we take an actual eye, that can't be, because the pasuk says "mishpat echad yihiyeh lachem", which means that the same laws apply to everyone. So it must be that the pasuk refers to monetary payment.

- **Q:** This is no proof. Maybe the pasuk of an eye for an eye means that the damager took the victim's eyesight and we therefore take his eyesight as punishment, and size is not an issue. We must say this, because we kill a murderer even if he was smaller or larger than his victim, because we say he took a life and we take his life!? This is still considered to be one set of laws! Therefore, the Braisa is not a valid proof that an eye for an eye refers to monetary payment.