



OVERVIEW BAVA KAMA DAF 10

Section 1: Comparing the Strictness of Each Damage Type

Beraisa: Each damage type has some strict rules and some lenient rules compared to the others.

Ox vs. Pit

Ox is stricter:

- Pays ransom (Kofer) if it kills a person
- Pays 30 silver coins if it kills a slave
- You can't benefit from an ox sentenced to death
- An ox moves and damages

Pit is stricter:

- A pit is dangerous from the start
- It's "Mu'ad" (pays full damage) from the beginning

Ox vs. Fire

Ox is stricter:

- Pays Kofer and 30 for a slave
- Can't benefit from it when sentenced to death
- Liable for handing ox to incompetent person

Fire is stricter:

- Mu'ad from the beginning

Fire vs. Pit

Pit is stricter:

- Dangerous from the start
- Liable for handing to incompetent person

Fire is stricter:

- Moves and damages
- Liable even for things it's not meant to consume

Question: The Beraisa should also say an ox is liable for vessels (dishes, tools) but a pit isn't!

Answer #1: The Beraisa follows R. Yehudah, who says a pit IS liable for vessels.

Problem: The Beraisa says fire is liable for things "unfit to consume" but pit isn't. If R. Yehudah says pit is liable for vessels, this contradicts!

Answer #2: The Beraisa follows the majority opinion (pit not liable for vessels). It just didn't list every difference.

Defense of Answer #1: "Unfit to consume" doesn't mean vessels - it means scorched fields and rocks.

Section 2: When Part of the Damage Makes You Fully Liable

Mishnah: One who is responsible for part of the damage is responsible for all the damage.

Beraisa example: Reuven dug a pit 9 handbreadths deep (doesn't kill). Shimon made it 10 handbreadths (deep enough to kill). An animal falls in and dies. Shimon is liable.

Does this contradict Rabbi?

Rebbi's opinion: Shimon is liable for DEATH. Both are liable for INJURY.

Rav Papa explains: The Mishnah is even like Rabbi - it's talking about liability for death (not injury).

Rabbis ask: Why doesn't the Mishnah teach other cases?

R. Zeira's case: Five people were guarding an ox. One left (was negligent) and it damaged. He's liable.

Analysis: This only makes sense if the ox could have been guarded without him (but he was still responsible). Otherwise it's obvious he's liable!

Problem: If it could be guarded without him, why is he liable?

Conclusion: This case doesn't teach anything new.

Similar analysis for:

- Adding fuel to a fire
- Sitting on a bench that breaks

For the bench case:

- If it wouldn't have broken without the last person → obvious he's liable!
- If it would have broken anyway → why is he liable?
- Maybe: Without him it would break in 2 hours, with him it broke in 1 hour
- Better: He didn't sit on it, he leaned on the people sitting on it (force vs. body)

What about when 10 people hit someone?

Beraisa: If 10 men hit Reuven with different sticks and he died (whether simultaneously or one after another), they're exempt.

R. Yehudah ben Beseira: If one after another, the last one is liable (he hastened the death).

Why doesn't the Mishnah teach this?

Answer: The Mishnah discusses property damage, not death.

Section 3: Who Gets the Carcass?

Mishnah: "One who is responsible to PAY FOR the damage..."

The careful wording teaches: The victim keeps the carcass (you pay the DIFFERENCE between alive and dead).

Three sources for this:

1. **R. Ami:** "Will pay for it" - read as "will complete it" (will make up the difference)
2. **Rav Kahana:** "Up to a Tereifah he will pay, the Tereifah he won't pay" - means you pay the difference, and give back the Tereifah

3. **Chizkiyah:** "The carcass will be to him" - to the victim (not the damager)

Why do we need all three verses?

Because each case is different:

- Man strikes animal - uncommon
- Tereifah (sick animal) - common and died naturally
- Pit - common and happened by itself

Each one might have a different rule, so we need all three to teach they're all the same.

Question: Without these verses, couldn't we figure it out anyway? The Torah says the damager can pay with "anything," so obviously he can pay by giving back the carcass!

Answer (Rav): The verses teach that the VICTIM suffers any loss in value of the carcass between the time of damage and the time of payment.