

A foot that trod, etc.

רגל שדרסה כולי –

OVERVIEW

The גמרא posed a query, if an animal trod (the רגל of מזיק) on a baby in the חצר הניזק and killed it, is the owner חייב כופר or not. תוספות both extends and limits this query.

הוא הדין בשן דחיה דאורחה הוה מצי למבעי אבל בור ואש ממעטה מעליו¹ כמו אדם:

The גמרא could have posed this query just as well regarding to the 'tooth' of a wild animal (if a wild animal ate the baby; is the owner liable for כופר), since it is customary for a wild animal to eat meat (just as it is customary for רגל to trod). However, there is no query regarding paying כופר if the victim was killed by a בור or אש for that is excluded from paying כופר for we derive it from עליו, just as we derive from עליו that if a person kills he is exempt from paying כופר.

SUMMARY

The query regarding כופר can apply to שן, but not to בור ואש.

THINKING IT OVER

1. If indeed it is as תוספות states that the query applies to שן דחיה as well, why did the גמרא only discuss רגל and not שן?²
2. What would be the ruling if a בהמה (not a חיה) ate a baby; will the owner be חייב כופר?³
3. According to תוספות how can we reword the two sides of the query mentioned in the גמרא?⁴

¹ The גמרא mentioned previously on this עמוד that a person is exempt from paying כופר, since by כופר (which is payable by the שור) it is written אשר יושת עליו (בעל השור) and we derive from the word עליו that the obligation to pay כופר is only to the owner of the שור but not to anyone else, which excludes אדם ההורג (as the גמרא explicitly states), as well as any other מזיק besides שור (which is ואש); however the query is concerning רגל ושן since they are both part of the מזיק of שור, perhaps they too are חייב כופר. See 'Thinking it over' # 3.

² See נחלת משה.

³ See נחלת משה.

⁴ See 67-69 # אוצר מפרשי התלמוד.