

TIME 4 MISHNA

key terms

בבא קמא

Rules:

דין לבא מן הדין להיות כנידון - The law learnt from a קל וחומר ('all the more so' argument) cannot be more stringent than the level of stringency for which there is a source

קים ליה בדרבה מיניה - One who is liable to 2 punishments for the same act only receives the more severe punishment

המוציא מחבירו עליו הראיה - One who wishes to take money from somebody else can only do so if he proves that he is entitled to it

ממון המוטל בספק חולקים - If a doubt arises regarding who owns money it should be split

מודה בקנס פטור - One who confesses about something which would obligate him with a fine is exempt from paying it

כל הגזלנים משלמים כשעת הגזלה - Every thief pays back according to the time of the theft, such that if the item is later altered then its value at the time of the theft must be returned

ברי ושמא ברי עדיף - A certain claim is stronger than a doubtful claim, as long as the default position is like the certain claim

Concepts and terms:

- **שור** - Damage done by one's animal
- **רגל** - One's animal damaging whilst doing a regular act
- **שן** - One's animal damaging in a way which gives benefit
- **קרן** - One's animal damaging with an act whose intent is only in order to damage
- **בור** - Damage caused by a pit or any obstacle in a public area
- **אש** - Damage caused by fire or anything carried by another force like the wind

- **תם** - An animal which isn't prone to damage in a particular way
- **מועד** - Something which is prone to damage in a particular way

- **נזק שלם** - Payment for the full value of the damages
- **חצי נזק** - Payment for half of the value of the damage

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הקדש - Something which is designated to the **בית המקדש**

כופר - A fine which the owner of an animal which kills a person must pay to his inheritors

שור הנסקל - An ox whose verdict has been given to be stoned

- **מוזיק** - A person who is responsible for causing damage
- **ניזק** - A person whose possession was damaged
- **שמירה מעולה** - A high-level guarding from even uncommon occurrences
- **שמירה פחותה** - A low-level guarding from foreseeable and expected occurrences
- **דמי ולדות** - The value of a foetus which somebody killed unintentionally
- **שבח ולדות** - The amount by which a woman's value goes up when she is pregnant
- **גניבה** - Stealing in secret
- **גזלה** - Stealing with force
- **תשלומי כפל** - Payment of double the item's value
- **תשלומי ארבעה וחמשה** - 5 times its value (for an ox) or 4 times its value (for a sheep)
- **כלאים** - Interbreeding two types of animals or working them together
- **שביתת בהמתו** - Not allowing one's animal to do work on **שבת**
- **עדים זוממים** - Witnesses who are found to be false due to other witnesses testifying that they were with the first pair elsewhere at the time of the event
- **סוריא** - An expansion of **ארץ ישראל** which **דוד המלך** conquered before conquering the whole of **ארץ ישראל** itself
- **חובל** - Person who injures another person
- **נזק** - Payment for the injury/damage itself
- **צער** - Payment for the pain which one causes somebody else
- **ריפוי** - Medical costs
- **שבת** - Compensation for unemployment
- **בשת** - Payment for embarrassment

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היזק שאינו ניכר - Damage which is unrecognisable on the item itself

קרן וחומש - The value plus $\frac{1}{4}$ (which is $\frac{1}{5}$ of the total amount)

נדר - A vow which forbids the benefit of something

יאוש - Giving up hope of retrieving one's item

שינוי רשות - A transfer of ownership

אחריות נכסים - A hold on somebody's property that allows them to collect their debt from it, even once it has been sold or inherited