

## Key facts Sefer Nezikin (Damages)

### DAMAGE TO PROPERTY (NOT BY A PERSON) [MAZIK MAMON]

- Damage by a *muad* animal. Penalty is to replace the full amount (**1x**) – Penalty exacted from person.  
*Muad* is when animal causes damage doing its normal actions like eating, walking on utensils etc.
- Damage by *tam* animal is (**1/2 x**) – Penalty exacted from body of animal. *Tam* is when animal deviates from its ordinary pattern like an ox which bites or gores.
- Indirect damage i.e. animal kicked stone which damaged vessels, penalty is (**1/4x**)
- *Tam* after 3 warnings becomes *muad* and penalty is **1x**
- A *muad* animal kills a Jew – animal is stoned to death and owner has to pay a *kofer* (atonement fee). Judges value worth of person killed. An *eved* is valued at **30 selaim of fine silver**.
- A *tam* animal kills a Jew – animal is stoned to death and *kofer* is **0**.
- Animal falls into pit less than **10 tefach** and dies, penalty is **0**.
- Animal falls into pit of **10 tefach** and dies, penalty is **1x**.
- Animal falls into pit less than **10 tefach** and is injured, penalty is **1x**
- Human falls into pit and died, penalty is **0**
- Human falls into pit and got injured, penalty is **1x**
- Vessels fall into a pit, penalty is **0**
- If a person lights someone else's field, penalty is **1x**

### GENEVAH (THEFT)

- Theft Penalty is to repay *keren* plus *knas* (**Total = 2x**)
- Admits theft Penalty is *keren* only (**Total = 1x**)
- Theft plus slaughter or sale (i.e. article undergoes major change) Penalty is *keren* plus greater *knas* (**Total = 4x sheep or 5x ox**)
- Repayment is from (in order) movable property, or landed property, or sold into slavery.
- If 2 punishments due simultaneously i.e. capital and financial, then capital alone. Lashes and financial, results in lashes (usually).
- A *shomer* who steals, in the period before taking oath, he is given benefit of doubt, and is only liable for *keren* (**1x**). A *shomer* who steals and takes a false oath is liable for 2x as a thief.
- If one admits to have taken a false oath, there is a fine of an extra 1/5 but whenever one pays 2x anyway, the **1/5** is negated.
- Someone who deals falsely with weights and measures is not fined. He just has to replace what he gave short. (i.e. **1x**)

## GEZELAH (ROBBERY)

- A robber has to return the stolen article. If this cannot be done, he only has to pay the *keren* (i.e. 1x).  
Also if the item underwent a major change in the possession of the robber, then the robber acquires it. He then has to pay its value at time of robbery.
- Laws of robbery where this is indirect, and *Rabanim* defined these cases as robbery, penalty is more lenient.
- Denial of robbery (or any other liability) by oath, and then later admits, penalty is *keren* + 1/5 + Guilt Offering.
- Obligation to pay the additional 1/5 does not apply to robbery of
  - Landed property
  - *Eved Cnaani*
  - Promissory notes
- If a person purchase a robbed property, the sale does not take effect.
- To return a lost article which is found

If a person finds a lost animal, he should care for it until he is able to return it.

A person who wishes to follow a good and straight path, should go beyond the letter of the law to return a lost object, even if the actions are below his dignity.

Even more so, if a person for example, sees a flood coming that will do damage to his colleague's belongings he is obligated to put up a barrier to prevent damage.

- Distinctive marks of lost property are as follows
  - Midah (measure)
  - Mishkal (weight)
  - Minyan (number)
  - Makom aveida (place where lost)

## DAMAGE TO A PERSON BY A PERSON

- A person who causes damage to a colleague, whether intentional or unintentional, is always considered as *muad* i.e. he must reimburse from his choicest property (first movable, and if not possible, then from his landed property)
- There are 5 compensations for injury to a colleague. Circumstances will dictate how many of these must be paid. There can be cases where injury is totally beyond the control of the injurer and he would not be held liable at all.
- Of these 5 compensations, 2 are regarded as *knas* i.e. damage and pain. 3 are regarded as *keren* (capital) i.e. unemployment, medical expense and embarrassment. Therefore, if a person admits liability he would only be liable for the *keren* (i.e. 3 compensations)
- A person who injures a colleague does not receive atonement even after paying compensation. He is not forgiven until he begs the injured person to forgive him.
- The injured person should not be cruel by withholding forgiveness
- Whoever manages to forgive is worthy of praise and the Sages derived pleasure from this

DAMAGE TO PROPERTY BY A PERSON (*MAZIK*)

- A person is liable for damaging someone else's property even if it was done unintentionally, but it depends whose domain the damage was done.
- If damage done is not visible, person is still liable *Derabanan*. But here, if it was done unintentionally, then not liable.
- A *moser* (informer) is liable for damage he caused, even though he himself did not physically do the damage.
- A *rodef* is someone pursuing another Jew to kill or rape. He is subject to the punishment of execution.