

Kofer (Penalty) for Animal Killing a Human Being

Ref: *Sefer Nezikin, Hilchot Nezeikei Mamon, Chapters 10–11*

Whenever an animal kills a Jew, the animal must be killed by *skilah* (stoning). This applies also to birds.

Reminder

Pack on Punishment for *Sefer Nezikin*



Muad here means that it killed 3 times and was warned 3 times about killing. e.g. it has killed a Gentile 3 x.

Gentile law does not require animal to be killed if it kills a human being.

The animal could also be classified as *muad* if it killed other animals 3x.

A *muad* animal has to be stoned and owner needs to pay *kofer* (atonement fee).

A *tam* animal is stoned and owner is not liable for *kofer*.



The Oral Tradition requires a person to pay this fine as an atonement because it says in Torah that the owner of the ox (that kills a Jew) should be put to death also.

The fine offers full atonement.

Muad: Kills intentionally – Should be stoned & owner pays *kofer* (atonement fine)

Kills unintentionally – not killed & owner pays *kofer* (atonement fine)

Tam: Kills unintentionally – not killed & no *kofer* (atonement fine)

Kills intentionally – stoned but no *kofer* (atonement fine)

(In both these cases, if person did not die but was injured, owner would be liable for damages – according to whether animal was *tam* or *muad*.)

If 2 partners own a *muad*, they both have to pay the full *kofer*. – they both need full atonement.

The adjudication of the ox has to take place in the presence of the owner, if there is an owner. If there is no owner, the ox should still be executed.

	<i>Kofer</i>
Person (generally)	Judges value worth of person killed
Eved (servant)	30 selaim of fine silver – scriptural amount
Pregnant woman	Not liable for value of foetus (only if a human has caused this damage)
Pregnant <i>shifchah</i> (maidservant)	Owner of animal is also liable for value of foetus