

Structure of Bava Kamma

Ch.1-6	4 categories (avot) of	נזקי ממון
- Damage by Property	Damages	
Ch.7-10	Thievery	גניבה
Ch.7-10 - Human Damage	Thievery Personal Injury	גניבה <mark>חובל ומזיק</mark>

Mishnah Bava Kamma. CHAPTER EIGHT

1. He who wounds his fellow is liable to compensate him <u>on five counts:</u> for injury, for pain, for healing, for loss of income and for indignity.

'For injury': How so? If he blinded his fellow's eye, cut off his hand or broke his foot, [his fellow] is looked upon as if he was a slave to be sold in the market and they assess how much he was worth and how much he is worth.

'For pain'? If he burned him with a spit or a nail, even though it was on his fingernail, a place where it leaves no wound, they estimate how much money such a man would be willing to take to suffer so.

'Healing'? If he struck him he is liable to pay the cost of his healing. If sores arise on him on account of the blow, he is liable [for the cost of their healing]. If not on account of the blow, he is not liable. If the wound healed and then opened and healed and then opened, he is liable for the cost of the healing. If it healed completely, he is no longer liable to pay the cost of the healing.

'Loss of income': He is looked upon as a watchman of a cucumber field, since he already gave him compensation for the loss of his hand or foot.

'Indignity/Shame': All is according to the status of the one that inflicts indignity and the status of the one that suffers indignity. If a man inflicted indignity on a naked man, or a blind man, or a sleeping man, he is [still] liable. If a sleeping man inflicted indignity, he is exempt. If a man fell from the roof and caused injury and inflicted indignity, he is liable for the injury but not for the indignity, as it says, "And she puts forth her hand and grabs him by the private parts", a man is liable only when he intended [to inflict indignity].

- 2. The law is more strict in the case of a man than in the case of an ox: for a man must pay for injury, pain, medical costs, loss of income and indignity, and make restitution for the value of the young; whereas the ox pays only for injury and is not liable for the value of the young.
- 3. If a man struck his father or his mother and inflicted no wound, or if he wounded his fellow on Yom Kippur, he is liable for all five counts. If he wounded a Hebrew slave, he is liable on all five counts, except loss of income if it was his

'פרק ח

 הַחוֹבֵל בַּחֲבֵרוֹ חַיָּב עָלָיו מִשׁוּם חֲמִשָּׁה דְבָרִים, בַּנֵזַק, בַּצַער, בַּרפוּי, בַּשַׁבַת, וּבִבֹשַׁת.

בְּנֶזֶק בֵּיצַד. סִמָּא אֶת עֵינוֹ, קָטַע אֶת יָדוֹ, שָׁבֵּר אֶת רַגְלוֹ, רוֹאִין אוֹתוֹ בְּאָלוּ הוּא עֶבֶד נִמְכָּר בַּשׁוּק וִשִּׁמין בַּמַּה הַיַה יַפֵּה וִבְּמָה הוּא יֵפָה.

צַעַר, כְּוֶאוֹ בְשַׁפּוּד אוֹ בְמַסְמֵר, וַאֲפִלּוּ עַל צִפְּרְנוֹ, מְקוֹם שָׁאֵינוֹ עוֹשֶׂה חַבּוּרָה, אוֹמְדִין כַּמָּה אָדָם כַּיּוֹצֵא בַזָה רוֹצֵה לָטֹל לְהִיוֹת מִצְטַעֵר כַּךְּ.

ָרָפּאי, הָכָּהוּ חַיָּב לְרַפְּאֹתוֹ. עָלוּ בוֹ צְמָחִים, אִם מֵחֲמַת הַמַּכָּה, חַיָּב. שֶׁלֹא מֵחֲמַת הַמַּכָּה, פָּטוּר. חָיְתָה וְנִסְתְּרָה, חָיְתָה וְנִסְתְּרָה, חַיָּב לְרַפְּאֹתוֹ. חַיִּתָה כַל צַרְכַּהּ, אֵינוֹ חַיֵּב לְרַפָּאֹתוֹ.

שֶׁבֶת, רוֹאִין אוֹתוֹ בְּאָלוּ הוּא שׁוֹמֵר הָשׁוּאִין, שֶׁבְּבָר נָתַן לוֹ דְמֵי יָדוֹ וּדְמֵי רַגְלוֹ.

בּשֶׁת, הַכּּל לְפִי הַמְבַיֵשׁ וְהַמִּתְבַּיֵשׁ. הַמְבַיֵשׁ אֶת הָעָרֹם, הַמְבַיֵשׁ אֶת הַסּוּמָא, וְהַמְבַיֵשׁ אֶת הַיָּשׁן, חַיָּב. וְיָשׁׁן שֶׁבִּישׁ, פָּטוּר. נָפַל מִן הַגָּג, וְהִזִּיק וּבִישׁ, חַיָּב עַל הַבָּעָק וּפָטוּר עַל הַבּּשָׁת, שֶׁנָּאֲמַר (דברים כה) וְשָׁלְחָה יָדָהּ וְהֶחֱזִיקָה בִּמְבֵשִׁיו, אֵינוֹ חַיָּב עַל הַבּּשָׁת עַד שֻׁיִּהֵא מִתְכַּוֵן:

2. זֶה חֹמֶר בָּאָדָם מִבַּשׁוֹר, שֶׁהָאָדָם מְשַׁלֵּם נֶזֶק, צַעַר, רִפּוּי, שֶׁבֶת, וּבֹשֶׁת, וּמְשֵׁלֵם דְּמֵי וְלָדוֹת, וְשׁוֹר אֵינוֹ מְשַׁלֵּם אֶלָּא נֶזֶק, וּפָטוּר מִדְּמֵי וְלָדוֹת:

3. הַמַּכֶּה אֶת אָבִיו וְאֶת אִמּוֹ וְלֹא עָשָׂה בָהֶם חַבּוּרָה, וְחוֹבֵל בַּחֲבֵרוֹ בְּיוֹם הַכִּפּוּרִים, חַיָּב בְּכֵלֶּן. הַחוֹבֵל בְּעֶבֶד עִבְרִי, חַיָּב בְּכֵלֶן חוּץ מִן הַשֶּׁבֶת, בִּזִמַן שָׁהוּא שֵׁלּוֹ. הַחוֹבֵל בִּעֵבֵד בִּנַעֵּנִי שֵׁל



slave. If he wounded a Canaanite slave (non-Jewish slave) he is liable on all five counts. Rabbi Judah says: "Slaves do not receive compensation for indignity."

4. It is losing proposition to "meet up" with a deaf-mute, an idiot or a minor: he that injures them is obligated; and they that injure others are exempt.

It is a losing proposition to "meet up" with a slave or [married] woman; he that injures them is obligated; and they that injure others are exempt. However, they pay after some time; if the woman was divorced or the slave freed they are liable for restitution.

- 5. If a man struck his father or mother and left a wound, or if he wounded his fellow on the Sabbath, he is not liable for any of the [five] counts because he is liable for his life. If a man wounded his Canaanite (non-Jewish) slave he is not liable on any of the five counts.
- 6. If a man boxed the ear of his fellow, he must pay him a sela (four. Rabbi Judah says in the name of Rabbi Yose the Galilean: "A maneh (one hundred." If he slapped him he must pay 200 zuz. If with the back of his hand, he must pay him 400 zuz. If he tore at his ear, plucked out his hair, spat at him and his spit touched him, or pulled his cloak from off him, or loosed a woman's hair in the street, he must pay 400 zuz. This is the general rule: all is in accordance with the person's honor. Rabbi Akiva said: "Even the poor in Israel are regarded as free people who have lost their possessions, for they are the children of Abraham, Isaac and Jacob. It once happened that a man unloosed a woman's hair in the street and she came before Rabbi Akiva and he condemned him to pay her 400 zuz. He said, "Rabbi, give me time". And he gave him time. He caught her standing at the entrance to her courtyard, and he broke a jug of one issar's worth of oil in front of her. She unloosed her hair and scooped up the oil in her hand and laid her hand on her head. He had set up witnesses up against her and he came before Rabbi Akiva and said to him, "Rabbi, should I give one such as this 400 zuz?" He answered, "You have said nothing." If a man injures himself, even though he has no right to do so, is not liable. But others who injure him are liable. If a man cuts down his own saplings, even though he has no right to do so, is not liable. But, if others cut them down, they are liable.
- 7. Even though a man pays [him that suffers the indignity], he is not forgiven until he seeks [forgiveness] from him, for it says: "Therefore restore the man's wife... [and he shall pray for you]" (Genesis 20:7).

And from where do we learn that he who must forgive should not be cruel? As it says: "And Abraham prayed unto God and God healed Avimelech" (Genesis 20:17).

If a man said, "Blind my eye", or "Cut off my hand", or "Break my foot", he [that does so] is liable. [If he added] "On the condition that you will be exempt", he is

אֲחֵרִים, חַיָּב בְּּכֵלֶּן. רַבִּי יְהוּדָה אוֹמֵר, אֵין לְעֲבָדִים בֹּשׁת:

4. חֵרֵשׁ, שׁוֹטֶה וְקָטֶן, פְּגִיעָתָן רָעָה. הַחוֹבֵל בָּהֶן חַיָּב, וְהֵם שֶׁחָבְלוּ בַּאֲחֵרִים פְּטוּרִין. הָעֶבֶד וְהָשִ הְּאשָׁה, פְּגִיעָתָן רָעָה. הַחוֹבֵל בָּהֶן חַיָּב, וְהֵם שֶׁחָבְלוּ בַּאֲחֵרִים, פְּטוּרִין, אֲבָל מְשַׁלְמִין לְאַחַר שְׁחָבְלוּ בַּאֲחֵרִים, פְּטוּרִין, אֲבָל מְשַׁלְמִין לְאַחַר זְמָן. נִתְגָּרְשָׁה הָאִשָּׁה, נִשְׁתַּחְרֵר הָעֶבֶד, חַיָּבִין לֹשׁלֹם:

5. הַמַּכֵּה אַבִיו וָאִמּוֹ וְעֲשָׂה בַהֵּן חַבּוּרֵה, וְהַחוֹבֵל בַּחֲבֵרוֹ בִּשַׁבַּת, פַּטוּר מִכֵּלַן, מִפְּנֵי שֶׁהוּא נִדּוֹן בָּנַפָשׁוֹ. וִהַחוֹבֵל בִּעֲבַד כִּנַעֲנִי שֵׁלּוֹ, פָּטוּר מִבֶּלָּן: 6. הַתּוֹקֶעַ לַחֲבֶרוֹ, נוֹתֵן לוֹ סֵלַע. רַבִּי יִהוּדָה אוֹמֵר מָשׁוּם רַבִּי יוֹסֵי הַגָּלִילִי, מַנֵה. סְעַרוֹ, נוֹתֵן לוֹ ַמַאתַיִם זוּז. לָאַחַר יַדוֹ, נוֹתֵן לוֹ אַרְבַּע מֵאוֹת זוּז. צָרַם בָּאַזָנוֹ, תַּלָשׁ בָּשִּׁעֲרוֹ, רַקַק וְהָגִּיעַ בּוֹ רָקּוֹ, ָהֶעֲבִיר טַלִּיתוֹ מִמֶּנוּ, פַּרַע ראשׁ הַאָשָׁה בַּשׁוּק, נוֹתֵן אַרְבַּע מֵאוֹת זוּז. זֶה הַכִּלֵל הַכֹּל לְפִי כְבוֹדוֹ. אָמַר רַבִּי עַקִיבָא, אַפִילוּ עַנִיִּים שַׁבִּיִשִׂרָאֵל, רוֹאִין אוֹתַם כָּאָלּוּ הֶם בָּנֵי חוֹרִין שַׁיַּרְדוּ מִנְּכְסֵיהֶם, שַׁהֶם בָּנֵי אַבְּרָהָם, יִצְחָק וְיַעֵקֹב. וּמַעֲשֵׂה בָּאֵחָד שַׁפַּרַע ראשׁ הַאָשָׁה בַּשׁוּק, בַּאת לְפָנֵי רַבִּי ַעַקיבַא, וְחַיָּבוֹ לְתֵּן לַהּ אַרְבַּע מֵאוֹת זוּז. אַמַר לו רַבִּי, תֵּן לִי זְמַן. וְנַתַן לוֹ זְמַן. שָׁמַרַהּ עוֹמֶדֶת עַל פַתַח חֱצֵרַהּ וִשָּבַר אֶת הַכַּד בִּפַנֵיהַ, וּבּוֹ כִּאְסַר שַׁמֵן. גִּלְתַה אֶת רֹאשָׁהּ, וְהַיִּתַה מְטַפַּחַת וּמַנַּחַת יַדַהּ עַל רֹאשָׁהּ. הָעֲמִיד עַלֵיהַ עַדִים, וּבַא לִפְנֵי רבּי עקיבא. אמר לוֹ, רבּי, לזוֹ אני נוֹתן ארבּע מֵאוֹת זוּז. אַמַר לוֹ, לֹא אַמַרְתַּ כָּלוּם. הַחוֹבֵל בעצמוֹ, אף על פּי שׁאינוֹ רשׁאי, פּטוּר. אחרים שַׁחַבָּלוּ בּוֹ, חַיַּבִּין. וְהַקּוֹצֵץ נָטִיעוֹתַיו, אַף עַל פִּי שָׁאֵינוֹ רַשַּׁאי, פַּטוּר. אֲחֶרִים שֶׁקַצְצוּ אֶת ָנָטִיעוֹתָיו, חַיָּבִים:

7. אַף עַל פִּי שֶׁהוּא נוֹתֵן לוֹ, אֵין נִמְחָל לוֹ עַד שָׁיְבַקֵּשׁ מִמֶּנוּ, שָׁנֶּאֱמֵר (בראשית כ) וְעַתָּה הָשֵׁב אֵשֶׁת וְגוֹ'. וּמִנַּיִן שֶׁלֹּא יְהֵא הַמּוֹחֵל אַכְזָרִי, שָׁנֶּאֱמֵר (שם) וַיִּתְפַּלֵל אַבְרָהָם אֶל הָאֱלֹהִים וַיִּרְפַּא אֱלֹהִים אֶת אֲבִימֵלֶךְּ וְגוֹ'.



still liable. [If he said] "Tear my garment", or "Break my jug", he that does so is liable. [If he added] "On the condition that you will be exempt", he is exempt. [If he said], "Do so to so-and-so, on the condition that you will be exempt, he is liable, whether it was [an offense] against his person or his property.	הָאוֹמֵר סַמֵּא אֶת עֵינִי, קְטַע אֶת יָדִי, שְׁבֹּר אֶת רַגְלִי, חַיָּב. עַל מְנָת לִפְטֹר, חַיָּב. קְרַע אֶת כְּסוּתִי, שְׁבֹר אֶת כַּדִּי, חַיָּב. עַל מְנָת לִפְטֹר, פָּטוּר. עֲשֵׂה כֵן לְאִישׁ פְּלוֹנִי, עַל מְנָת לִפְטֹר, חַיָּב, בֵּיו בְּגוּפּוֹ בֵּיו בְּמָמוֹנוֹ:
Parashat Mishpatim ch.21-22	פרשת משפטים שמות פרק כא -כב
One who fatally strikes another party If [a man] did so but not by design—it came about by an act of God—I will assign you a place to which he can flee. When one party schemes against another and kills through treachery, you shall take that person from My very altar to be put to death. One who strikes one's father or mother shall be put to death. One who kidnaps another party—whether having sold or still holding the victim—shall be put to death. One who insults one's father or mother shall be put to death. When [two] parties quarrel and one strikes the other with stone or fist, and the victim does not die but has to take to bed. if that victim then gets up and walks outdoors upon a staff, the assailant shall go unpunished—except for paying for the idleness and the cure When [two or more] parties fight, and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined according as the woman's husband may exact, the payment to be based on reckoning. But if other damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.	(יב) מכה איש ומת מות יומת: (יג) ואשר לא צדה והאלהים אנה לידו ושמתי לך מקום אשר ינוס שמה: ס (יד) וכי יזד איש על רעהו להרגו בערמה מעם מזבחי תקחנו למות: ס (טז) וגנב איש ומכרו ונמצא בידו מות יומת: ס (יז) ומקלל אביו ואמו מות יומת: ס (יח) וכי יריבן אנשים והכה איש את רעהו באבן (יט) אם יקום והתהלך בחוץ על משענתו ונקה המכה רק שבתו יתן ורפא ירפא: ס (יב) וכי ינצו אנשים ונגפו אשה הרה ויצאו ילדיה ולא יהיה אסון ענוש יענש כאשר ישית (כג) ואם אסון יהיה ונתתה נפש תחת נפש: (כד) עין תחת עין שן תחת שן יד תחת יד רגל תחת רגל: מחת חבורה: ס
And if a man maims a man, as he has done, so shall it be done to him; breach for a breach, eye for an eye, tooth for a tooth: as he has maimed a man, so shall it be done to him. (<i>Vayikra</i> 24:19-20)	"וְאִישׁ כִּי יִתֵּן מוּם בַּעֲמִיתוֹ כַּאֲשֶׁר עָשָׂה בֵּן יֵעְשֶׂה לּוֹ. שֶׁבֶּר תַּחַת שֶׁבֶּר עַיִן תֵּחַת עֵיִן שֵׁן תַּחַת שֵׁן כַּאֲשֶׁר יִתַּן מוּם בָּאָדָם בֵּן יִנָּתֶן בּוֹ) "וִיקרא כ"ד, יט-ב(
Talmud 83b Note that it is stated: "Moreover you shall take no ransom for the life of a murderer, who is guilty of death," implying that it is only for the life of a murderer that you may not take "ransom," whereas you may take "ransom" [even] for the principal limbs that cannot be restored.	״לא תִקְּחוּ כּוֹפֶר לַאֲשֶׁר הוּא רָשָׁע לָמוּת״; ״לְנֶפֶשׁ רֹצֵחַ״ לְמָה לִי? שְׁמַע מִינַּהּ: לְנֶפֶשׁ רוֹצֵחַ אִי אַתָּה לוֹקַחַ כּוֹפֶר לְרָאשֵׁי אֵבָרִים שָׁאֵינָן חוֹזְרִין.



Talmud 83b-84a

ּתַּנְיָא, רַבִּי דּוֹסְתַּאי בֶּן יְהוּדָה אוֹמֵר: ״עַיִן תַּחַת עַיִן״ – מָמוֹן. אַתָּה אוֹמֵר מָמוֹן, אוֹ אֵינוֹ אֶלֶּא עַיִן מַמָּשֹׁ? אָמַרְתָּ, הֲרֵי שֶׁהְיְתָה עֵינוֹ שֶׁל זֶה גְּדוֹלָה וְעֵינוֹ שָׁל זֵה קטַנַּה, הֵיאַךּ אֲנִי קוֹרֵא בֵּיהּ ״עַיִן תַּחַת עַיִן״?

Rabbi Dostai ben Yehuda says: The phrase: "An eye for an eye" (Leviticus 24:20), means monetary restitution. Do you say that he must pay the victim monetary restitution, or is it only teaching that the one who caused the injury must lose an actual eye? You say: There may be a case where the eye of the one who caused the injury is large and the eye of the injured party is small. How can I read and literally apply the phrase "an eye for an eye" in this case?

ּ וְבִי תֵּימָא: כָּל בִּי הַאי – שָׁקֵיל מִינֵיהּ מָמוֹנָא; הַתּוֹרָה אָמְרָה: "מִשְׁפַּט אֶחָד יִהְיֶה לָכֶם" – מִשְׁפָּט הַשָּׁוֶה לְבוּלְּכֶם!

The Gemara continues the derivation: And if you would say that in all cases like this, where their eyes are different sizes, the injured party takes monetary restitution from the one who caused him injury, but in a case where their eyes are the same size, the one who caused injury is punished by actually having his eye removed, this cannot be, as the Torah said: "You shall have one manner of law" (Leviticus 24:22), teaching that the law shall be equal for all of you.

ּ אָמָרִי: מַאי קוּשָׁיָא? דְּלְמָא נְהוֹרָא שְׁקַיל מִינֵּיהּ, נְהוֹרָא אָמַר רַחֲמָנָא נִישְׁקוֹל מִינֵיהּ! דְּאִי לָא תֵּימָא הָבִי,

The Sages object to this derivation and say: What is the difficulty in saying that his eye should be blinded? Perhaps, as the one who caused the injury took the sight from the injured party's eye, the Merciful One states that the court should take the sight from his eye as well, no matter the size of the eye. Since, if you do not say so, then by the same logic,

פ"ד א

קָטָן שֶׁהָרַג אֶת הַגָּדוֹל וְגָדוֹל שֶׁהָרַג אֶת הַקָּטָן, הֵיבִי קָטְלִינַן לֵיהּ? הַתּוֹרָה אָמְרָה: ״מִשְׁפַּט אֶחָד יִהְיֶה לָכֶם״ – מִשְׁפָּט הַשָּׁוֶה לְכוּלְכֶם! אֶלָּא נְשָׁמָה שְׁקֵיל מִינֵּיהּ, נְשָׁמָה אָמַר רַחֲמָנָא נִשְׁקוֹל מִינֵּיהּ; הָבִי נָמֵי, נְהוֹרָא שְׁקֵיל מִינֵּיהּ, נְהוֹרָא אָמַר רַחֲמָנָא נִשְׁקוֹל מִינֵּיהּ!

in the case of a small person who killed a large person, or a large person who killed a small person, how do we kill the murderer? If one suggests that in such a case a monetary penalty will be imposed, the Torah stated: "You shall have one manner of law" (Leviticus 24:22), teaching that the law shall be equal for all of you, so the punishment must be the same for all murderers. Rather, explain that since the murderer took the life of the victim, the Merciful One states that the court should likewise take the life from him. So too, since the one who caused the injury took the sight from the eye of the injured party, the Merciful One states that the court should likewise take the sight from his eye. Therefore, the Gemara does not accept the derivation of Rabbi Dostai ben Yehuda, in accordance with the objection of the Sages.

תַּנְיָא אִידַּךְּ, רַבִּי שִׁמְעוֹן בֶּן יוֹחַי אוֹמֵר: ״עַיִן תַּחַת עַיִן״ – מָמוֹן. אַתָּה אוֹמֵר מָמוֹן, אוֹ אֵינוֹ אֶלֶּא עַיִן מַמְּשֹׁ? הְבֵי שֶׁהָיָה סוֹמֵא, וְסִימֵא; קִיטֵע, וְקִישַּע; חִיגֵּר, וְחִיגֵּר; הֵיאַךְּ אַנִי מִקָיֵים בָּזָה ״עַיִן תַּחַת עַיִן״ – וְהַתּּוֹרָה אָמִרָה: ״מִשְׁפַּט אֶחָד יִהְיֵה לָכֵם״, מִשְׁפַּט הַשְּׁוֵה לִכוּלְבָם?

The Gemara presents another derivation: It is taught in another *baraita* that Rabbi Shimon ben Yoḥai says: "An eye for an eye" (Leviticus 24:20), is referring to monetary restitution. Do you say that this is referring to monetary restitution, or is it only teaching that the one who caused the injury must lose an actual eye? There may be a case where there was a blind person and he blinded another, or there was one with a severed limb and he severed the limb of another, or there was a lame person and he caused another to be lame. In this case, how can I fulfill "an eye for an eye" literally, when he is already lacking the limb that must be injured? If one will suggest that in that case, a monetary penalty will be imposed, that can be refuted: But the Torah stated: "You shall have one manner of law" (Leviticus 24:22), which teaches that the law shall be equal for all of you.



Rambam. Hil. Hovel Umazik

The Torah's statement: "As he has maimed a man, so shall it be done to him," should not be interpreted in a literal sense. It does not mean that the person who caused the injury should actually be subjected to a similar physical punishment.

Instead, the intent is that he deserves to lose a limb or to be injured in the same manner as his colleague was, and therefore he should make financial restitution to him.

This interpretation is supported by the verse: "Moreover you shall take no ransom for the life of a murderer." Implied is that no ransom may be paid for a murderer alone, but a ransom may be paid for causing a loss of limb or other injuries.

משנה תורה חובל ומזיק א:ג

זֶה שֶׁנֶּאֱמַר בַּתּוֹרָה)ויקרא כד כ" (בַּאֲשֶׁר יִתַּן מוּם בָּאָדָם כֵּן יִנָּתֶן בּוֹ" אֵינוֹ לַחֲבל בָּזֶה כְּמוֹ שֶׁחָבַל בַּחֲבֵרוֹ

אֶלָּא שֶׁהוּא רָאוּי לְחַסְּרוֹ אֵיבָר אוֹ לַחֲבל בּּוֹ בַּאֲשֶׁר עָשָׂה וּלְפִיכָךְ מִשַׁלֵם נִזְקוֹ.

וַהַבִי הוּא אוֹמֵר)במדבר לה לא" (וְלֹא תִקְחוּ כֹפֶר לְנֶפֶשׁ רֹצֵחַ" לְרוֹצֵחַ בִּלְבַד הוּא שָׁאֵין בּוֹ כֹּפֶר אֲבָל לְחֶסְרוֹן אֵיבָרִים אוֹ לְחַבָּלוֹת יֵשׁ בּוֹ כֹּפֶר