

If a Person Falls Into a Pit and Chips his Tooth, Is The One Who Dug The Pit Culpable?

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**Question:** Someone dug a hole in the middle of the street. A fellow walks by and falls in. The fall causes him to chip his tooth. This tooth happened to be an implant. Since *bor* is *potur* on *keilim*, would the digger be exempt from paying for the damage to the implant?

**Answer:** The question is if something attached to a person is considered *odom* or *keilim*.

It is clear from the Poskim that when someone receives an implant of an organ, such as a kidney, the new organ becomes part of the person for all relevant halachos. This is true regarding a living organ that continues to function inside the person who received the implant. In the case of a tooth, the implant is merely embedded into the person's mouth and is not a living organ; therefore, it is unclear if it becomes a part of the person.

However, I believe that the owner of the pit would be obligated to pay in any case. In this case, the damage he caused is not to the tooth, it is to the person. The Gemara says that the way we evaluate the damage to a person is that we appraise the value he would have if he would be sold as a slave. If his value went down as a result of his injury, the damager has to pay the difference. If the value of a slave with a chipped tooth is less than the value of a slave with a full tooth, causing this damage would be considered *nizkei odom* and the digger of the pit would be liable for that. [See also Sdei Chemed Chametz 4:23 -ed. note]