



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Bava Kamma Daf Chuf Beis

#### HAKELEV SHENATAL

- **R' Yochanan** says that a person is chayuv for the damage of his fire on the basis that it is treated as his "arrows" (his force). **Reish Lakish** says he is chayuv because the fire is considered to be his property. **Reish Lakish** doesn't hold like **R' Yochanan**, because he says that arrows move from his force, and a fire moves without the person's force. **R' Yochanan** doesn't hold like **Reish Lakish**, because he says that property is tangible and fire is not tangible.
  - **Q:** Our Mishna gave the case of the dog with the coal. Now, according to the view that fire is chayuv as a force, the reason the owner of the dog is chayuv is because the fire was the force of the dog (and it is therefore tzroros). However, if one is chayuv for fire because it is his property, this fire is not the property of the owner of the dog, so why is he chayuv? **A: Reish Lakish** will answer, the case here is where the dog threw the coal. The Mishna should be understood as saying that he is chayuv full damages for the cookie, he is chayuv half damages for the burning of the place where the coal landed (either because that is tzroros or because that is unusual and is keren), and is patur for the burning of the rest of the stack. **R' Yochanan** would say that the Mishna is to be understood as a case where the dog put the coal down onto the stack. Therefore, for the cookie and for the place of the coal, he is chayuv for full damages, and for the rest of the stack he only pays half damages (a fire is "his arrows" and is therefore considered to be tzroros of the dog).
  - **Q:** A Mishna says, if an overloaded camel's packages catch fire from inside a store as it passes by (because the load was too large to pass through the streets), and then set a house ablaze, the camel owner is chayuv. If the storekeeper had kept a fire outside and that is what caused the camel to catch fire, the storekeeper is chayuv. **R' Yehuda** says, if the fire left outside was Ner Chanuka, the storekeeper is patur. Now according to **Reish Lakish**, the fire is the property of the storekeeper, not the camel owner, so according to **Reish Lakish**, why is it that the camel owner is chayuv? **A: Reish Lakish** would answer, that the case in the Mishna is where the camel came into direct contact with the entire house, in which case it is like the area where the coal was placed in the case of the dog, and that is why he is chayuv.
    - **Q:** If so, why is the storekeeper chayuv if he had the fire outside the store? **A:** The Mishna is discussing the case in which the camel stayed in one place to urinate, and the owner therefore could not move it. During this time the entire house caught on fire. In the first case, the camel was overloaded and therefore the owner is considered to have been negligent and it is he who is therefore chayuv. In the second case, it is the storekeeper who was negligent by putting his fire outside, and he is therefore the one who is chayuv.
  - **Q:** A Mishna says, if a person sets fire to a stack of grain and there is a slave that is tied to it and a goat that is next to it, and the slave and goat are killed by the fire as well, he is patur from paying for the grain and the goat, because he is chayuv misah (and the principle of "kam lei b'dirabah minei" teaches that one does not pay for money damages when the same act will give him the death penalty). Now, according to **Reish Lakish**, since fire is considered to be the property of the person, he should not be put to death for the killing of the slave, because one is not put to death for the murder done by his property!? **A:** The case is where he actually lit the slave on fire, and that is why he is directly responsible for that killing. The chiddush is that even if the slave belongs to one person and the goat belongs to someone else, he will still be patur from paying for the goat, because he is chayuv misah for the killing of the slave.

- **Q:** A Mishna says, if someone gives a fire to a cheireish, shoteh, or katan, and they cause damage with it, the person is patur in Beis Din, but is chayuv by the laws of Heaven. Now, according to **Reish Lakish**, just as a person would be chayuv if he gave his ox to a cheireish to watch and the ox damaged, he should also be chayuv if his fire damaged, since his fire is considered to be his property!? **A: Reish Lakish** has said in the name of **Chizkiya** that the Mishna is discussing where he gave the cheireish a coal and the cheireish fanned it into a fire. However, if he had given him an actual flame, the person *would* be chayuv for any damage that was done with it.
- **Rava** said, the pasuk and a Braisa support the view of **R' Yochanan**. The pasuk says “ki seitzei aish”, which suggests that the fire goes out on its own, and the pasuk also says “the one who lights the fire must pay”, which suggests that he is only chayuv when he lit the object on fire. We see that the Torah considers a spreading fire to be the “arrows” of the one who lit it. The Braisa darshens these pesukim in exactly the same way. We see that the Braisa also holds that fire is considered to be the “arrows” of the person.