



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

Bava Kamma Daf Chuf Gimmel

- **Rava** said, **Abaye** had the following question. According to **R' Yochanan** (that a person is chayuv for the damage his fire does because it is considered to be his arrows – i.e. his force), why is it that the halacha is that one is not chayuv to pay for something that he damages that is hidden (e.g. in a haystack)? **Abaye** then answered, that the case would be where one lit a fire in his own chatzer, and the wall of his chatzer then fell down (not because of the fire), and the fire therefore damages because it is uncontained, in which case he would be patur for the damage done to hidden items outside the fallen wall, because it is no longer considered to be his arrow.
 - **Q:** If so, it should no longer be considered his arrow for exposed things either, and he should be patur from them as well!? **A:** We must say that **R' Yochanan** also holds of the reason that a fire is chayuv because it is considered to be the person's property. The case must be where after the wall fell he could have put it back up, but didn't. Therefore, it is considered like someone who did not close the door in front of his animal, in which case he would be chayuv. He would still be patur for the hidden things, because the Torah specifically makes him patur for hidden things that were damaged by one's fire.
 - **Q:** If **R' Yochanan** agrees to the reason of **Reish Lakish**, what is the difference between them? **A:** According to **R' Yochanan**, if one's fire burns another person, the first person would be chayuv for nezek, tzaar, ripuy, and sheves, whereas according to **Reish Lakish**, since the fire is his property, he would not be chayuv in anything besides nezek, because one is not chayuv for the other things when his property did the damage.

AHL HACHARARAH MISHALEM...

- **Q:** Who is chayuv to pay for the stack of grain? **A:** The owner of the dog.
 - **Q:** Why isn't the owner of the coal also chayuv for leaving his coal in a place that the dog could take it and cause damage with the fire? **A:** The Mishna is discussing a case where he properly guarded his coal.
 - **Q:** If he properly guarded his coal, how did the dog get it? **A:** The case is that the dog dug into the locked house and got the coal.
 - **R' Mari the son of R' Kahana** said, we see from here that a regular, closed door is considered normal for a dog to dig through and get in (if it was unusual, the owner would only have to pay for half damages).
- **Q:** Where did the dog eat the cookie? If it ate it at a stack of grain not belonging to the owner of the cookie, then it does not fit into the pasuk of "ubi'eir bisdei acheir"! **A:** It must be that he ate it at the stack of the owner of the cookie.
 - We can learn from here that if the cow of the mazik ate fruit in the field of the nizek, we don't say that the mouth of the cow is considered to be in the property of the mazik. Rather, the cow and the eating is considered to be in the chatzer of the nizek. For we find that this is a question that was asked – whether the mouth of the cow is treated as the chatzer of the nizek or of the mazik.
 - **Q:** If it is viewed as the chatzer of the mazik, how can we ever have a case of a person being chayuv for shein!? **A:** **R' Mari the son of R' Kahana** said, the case of shein would be where an animal did damage when it rubbed against a wall for hana'ah and damaged it, or rolled on fruits for hana'ah and damaged them.
 - **Q:** **Mar Zutra** asked, we learn from the pasuk that shein refers to a case where something is fully destroyed, and these cases do not lead to total destruction!? **A:** **Ravina** said, the case is where it entirely rubs out pictures on the wall. **R' Ashi** said, the case is where it completely smashes the fruit into the ground, making them totally useless.

- **Q:** Maybe we can answer the question from a Mishna. The Mishna says, if a person incites a dog or a snake on another person, he is patur. Who is patur? Presumably the Mishna means that the inciter is patur, but the owner of the dog would be chayuv. Now, if we were to say that the mouth of the animal is considered to be like the chatzer of the mazik, the owner should not be chayuv, because he can tell the injured person that his hand had no place being in his chatzer (the mouth of the dog)!? **A:** The Mishna may mean that *even* the inciter is patur, and surely the owner would be patur. Or we can say that the case is where the dog stuck its fangs into the person without bringing it into his mouth.
- **Q:** Maybe we can answer from the next part of that Mishna. The Mishna says, if a person takes a snake and sticks its fangs into another person, killing him, **R' Yehuda** says he is chayuv misah and the **Chachomim** say he is patur and rather the snake is put to death. Now, if we say the animal's mouth is considered to be the chatzer of the mazik, the owner should tell the victim, you had no place putting your hand into my chatzer, and the snake should not be killed!? **A:** With regard to killing an animal that has killed, we don't use this reasoning, as we see in a Braisa as well.
- There were goats of the Tarbu family that were causing damage to **R' Yosef**, who therefore asked **Abaye** to tell the Tarbus to keep the goats in their own property. **Abaye** said to **R' Yosef**, they will tell me that you should build a fence around your property to stop them from coming in!
 - **Q:** If the responsibility is on the nizik to keep the damagers out, how will one ever be chayuv for shein? **A:** The case would be where the animal digs under the fence and gets into the property, or if the fence fell down at night and the animal walked in.
- **R' Yosef** announced, if goats that are waiting for the market day to be shechted, do damage, we warn their owners two or three times. If they listen, fine. If not, we shecht the goats immediately, even at the lower, pre-market day price.