



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

Bava Kamma Daf Samach Aleph

MISHNA

- If a fire (that was lit in one's own property) crossed over a wall that was 4 amos tall (into the neighboring property), or over a public road, or over a river, he is patur from damage that the fire caused after crossing over.

GEMARA

- **Q:** A Braisa says that if a fire crosses over a wall 4 amos high he is chayuv!? **A: R' Pappa** said, all agree that he would be patur if it crossed over a wall of 4 amos. Our Mishna is discussing from higher to lower and says – he is patur if it was 6 amos, if it was 5 amos, until it is 4 amos (and “until” is meant to include in the category just stated). The Braisa is discussing from lower to higher and says – he is chayuv if the wall is 2 amos, if it was 3 amos, until it is 4 amos (and “until” is not meant to include in the category).
- **Rava** said, when the **Rabanan** said that he is patur if the wall is 4 amos tall, he is patur even if the fire crossed over into a field of thorns (which is more flammable).
 - **R' Pappa** said, but there must be 4 amos from the top of the thorns to the top of the wall.
- **Rav** said, they are only patur if it is a fire that rises straight up. However, if the fire is bent over, he would be chayuv even if it crossed over an area of 100 amos. **Shmuel** said, our Mishna refers to a bent fire, but in a case of a fire that goes straight up he would be patur if it crossed over even a minimal sized barrier.
 - There is a Braisa that says like **Rav**. The Braisa says, when is he patur even if the fire crosses a road? Only if the fire rises straight up. However, if it is a bent fire, and there is wood available for it to feed on, he would be chayuv even if it crossed an area of 100 mil. If a fire crossed over a river or a “shilulis” that is 8 amos wide, he would be patur.

DERECH HARABIM

- **Rava** said, the Mishna follows **R' Eliezer**, who says in the next Mishna that if a fire crosses over an area of 16 amos, like a public road, he would be patur.

OY NAHAR

- **Rav** said this refers to an actual river. **Shmuel** said this refers to an irrigation ditch.
 - According to **Rav**, he would be patur even if there was no water in the river. According to **Shmuel**, there would have to be water in the irrigation ditch for the person to be patur.
- A Mishna says, the following things act as a separation in a field for purposes of “peyah” (and would require that peyah be left from both sides of the separation): a river, a shilulis, a private road (that is 4 amos wide), and a public road (which is 16 amos wide).
 - **Q:** What is a shilulis? **A: R' Yehuda in the name of Shmuel** said, it is a place where rainwater collects. **R' Bibi in the name of R' Yochanan** said, it is a channel of water used for irrigation.
 - According to **Shmuel**, certainly an irrigation channel would divide a field. According to **R' Yochanan**, a place where rainwater collects would not separate a field, because they are considered to be puddles.

MISHNA

- If someone lights a fire in his own property, how far away must he be from a neighboring field in order to be patur if the fire were to travel to a neighboring field and do damage? **R' Elazar ben Azarya** says we view him as if he is in middle of a beis kor (he needs half a beis kor in each

direction). **R' Eliezer** says he needs 16 amos, like a reshus harabim. **R' Akiva** says he needs 50 amos. **R' Shimon** says it all depends on the fire.

GEMARA

- **Q:** How can the Mishna say that **R' Shimon** holds that a person could be chayuv no matter how far the fire was? A Mishna says that **R' Shimon** does give guidelines for a person being chayuv from a fire caused by his oven!? **A:** **R' Nachman in the name of Rabbah bar Avuha** said, **R' Shimon** in our Mishna means that the distance needed to be patur is all dependent on the height (size) of the fire.
- **R' Yosef in the name of R' Yehuda in the name of Shmuel** said, the halacha follows **R' Shimon**. **R' Nachman in the name of Shmuel** said this as well.

MISHNA

- If someone lit a pile of grain on fire, and there were keilim hidden in the pile that were burned along with it, **R' Yehuda** says he must pay for anything hidden in the pile. The **Chachomim** say he must only pay for the stack, whether it was wheat or barley (if it was wheat he pays for wheat, if it was barley he pays for barley).
- If a person sets fire to a stack of grain and there is a goat that is tied to it and a slave that is next to it, and they both get burned along with the grain, he is chayuv to pay for the grain and the goat. If 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 anything (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).
- The **Chachomim** agree with **R' Yehuda**, that if one sets fire to a mansion, he must pay for everything that is damaged in the mansion, because it is normal for people to keep things in their houses.

GEMARA

- **R' Kahana** said, the machlokes is when someone lit the fire in his own property and it went and burned things in someone else's property. However, if he lit the fire in the other person's property, even the **Rabanan** would agree that he must pay for everything that was damaged (even the hidden items in the stack of grain). **Rava** said, if that is so, when the Mishna wanted to give a case where the **Rabanan** would agree with **R' Yehuda**, instead of giving the case of the mansion, it could have stuck to the case of the pile of grain, and given the case of where he lit the fire in the reshus of the owner of the grain!? Rather, **Rava** says that they argue in two things: they argue when a person lights a fire in his own property and it goes and damages in someone else's property, in which case **R' Yehuda** says he is chayuv for hidden things and the **Rabanan** say he is patur; and they also argue when someone lights a fire in someone else's property, in which case **R' Yehuda** holds that he would be chayuv for any hidden item, even if a wallet was hidden in a stack of grain, whereas the **Rabanan** hold that he would only be chayuv for hidden things that are normal to be hidden in the stack of grain, like the tools used in the process of growing and cutting the grain.