



OVERVIEW BAVA KAMA DAF 23

Section 1: Both Opinions Agree Fire Is Also Like One's Property

R. Yochanan: Fire is like *his arrows*. When you light a fire, it's as if you're shooting arrows at whatever it burns.

Abaye's Question:

If fire is like arrows, why is one exempt for *concealed* items burned by fire? Your arrow doesn't care whether something is hidden!

Abaye's Answer:

The case is: Reuven made a fire in a courtyard, the wall fell (for reasons unrelated to the fire), and the fire spread to the next yard.

- Your arrows only "reach" as far as they were supposed to — i.e., up to the wall.

Then He Should Be Totally Exempt for the Next Yard:

Answer: Even the "arrows" opinion agrees fire is also like his property. The case is Reuven had time to stop the fire from spreading and didn't — like leaving his ox in a stable without guarding it.

So What Do They Actually Argue About?

Answer: The "arrows" opinion obligates the four extra payments to a person (pain, medical bills, lost wages, embarrassment) — like a person who damages. The "property" opinion does not.

Section 2: Who Pays When a Dog Snatches a Coal?

The Mishnah Says Full Damage for the Cake:

But who pays for the grain? The dog's owner. Shouldn't the coal's owner also be on the hook?

Answer: The case is the coal's owner guarded it properly.

Then How Did the Dog Get the Coal?

Answer: The dog dug under the ground/wall to reach it.

Mar brei d'Rav Kahana's Inference: Since the dog still pays full damage, this means digging under a wall is normal dog behavior.

Section 3: "In Another's Field" — Whose Domain Is the Animal's Mouth?

Where Did the Dog Eat the Cake?

Suggestion: Near someone else's grain pile (not the cake-owner's).

Rejection: The Torah says "in the field of another" — meaning the *victim's* field.

Answer: Near the cake-owner's own grain pile.

The Big Question:

An animal's mouth — is it like the *victim's* yard or the *damager's* yard?

- Our Sugya implies: it's like the *victim's* yard. (If it were the *damager's* yard, the dog's owner could say, "what's your cake doing in my dog's mouth?")

If It's the Damager's Yard, When Is Shen Liable?

Mar brei d'Rav Kahana: When the animal scratched against a wall or dirtied fruit for pleasure.

Mar Zutra's objection: The verse says "completely consumed" — total destruction!

Ravina: The animal rubbed against a wall and rubbed out a picture.

Rav Ashi: It fell on fruits and buried them in mud beyond recovery.

Inciting a Dog or Snake:

Mishnah: If someone incites a dog or snake to bite — he is exempt.

Question: Who is exempt?

Answer #1: The inciter is exempt, but the animal's owner is liable.

Objection: If an animal's mouth is the damager's yard, why is the owner liable?

Answer #2: Even the inciter is exempt — and the owner too.

Defense of Answer #1: The owner is liable when the animal stuck its teeth *out* to bite (damage outside the mouth).

R. Yehudah's Snake Case:

If Reuven held a snake and made it bite Shimon (who died):

- **R. Yehudah:** Reuven is liable (death penalty). The snake's venom is already in its teeth.
- **Chachamim:** Reuven is exempt; the snake gets killed. The snake actively injects the venom.

But Shimon's Hand Didn't Belong There!

If the animal's mouth is the damager's yard, why kill the snake when the victim trespassed?

Answer: We don't apply that logic when it comes to *death* (capital punishment of an animal).

Source for This:

Beraisa: If Reuven entered Shimon's property without permission and Shimon's ox killed him — the ox is stoned, but Shimon doesn't pay Kofer. Same principle: monetary logic and death logic don't always match.

Rav Yosef and the Goats:

Goats were damaging Rav Yosef's property. He told Abaye to warn the owners.

- **Abaye:** They'll tell you to put up a fence yourself!
- **When is Shen liable then?** When the animal dug under the fence, or when the fence fell at night and the animals damaged before it could be fixed.

Rav Yosef's ruling: If goats left to be slaughtered on market day cause damage, warn the owners 2-3 times. If they ignore — force them to slaughter the goats immediately.

Section 4: How Does an Ox Become Mu'ad?

The Mishnah:

What is Tam, and what is Mu'ad?

R. Yehudah: Mu'ad after witnesses testify to gorings on *three separate days*. It goes back to being Tam after three days of not goring (when it had the chance).

R. Meir: Mu'ad after witnesses testify to *three gorings* — even on one day! It becomes Tam again when children can play with it without it goring.

R. Yehudah's Source:

Abaye: From the verse — "Temol" = one day; "mi'Temol" = a second; "Shilshom" = a third; "and its owner doesn't guard it" = the fourth goring (when full damage kicks in).

Rava: "mi'Temol" = one (we don't expound the prefix); "Shilshom" = second; "doesn't guard" = third (Mu'ad and pays full damage). Tosfos: Mu'ad after three, but full damage only after the fourth.