

ועל הגדיש משלם חצי נזק –

And for the heap of grain, he pays half the damage

OVERVIEW

The גמרא cites a later משנה where a dog took (from someone's property) a smoldering biscuit (with a coal on it) and set a גדיש on fire; the ruling is that the dog's owner pays a חצי נזק for the burnt גדיש. This חצי נזק is paid מגופו seemingly resolving s'רבא's query (that the חצי נזק of צרורות is paid מגופו). comments on the interpretation of this משנה.¹

לקמן (דף כב,א) מפרש למאן דאמר² אשו משום חציו³ על כל הגדיש משלם חצי נזק -

The גמרא explains later that according to the one who maintains that the liability of causing a fire is because the spreading fire is considered as if it was his arrows, the ruling therefore is that the dog's owner pays a ח"נ for the entire גדיש - דחציו דכלב הן והוי צרורות⁴ לבד ממקום גחלת -

For the fire that spread and consumed the entire גדיש is considered as the arrows of the dog, and it is a case of צרורות (which pays a ח"נ); except for the place where the dog placed the גחלת, for which he has to pay a נ"ש, since the dog damaged that part of the גדיש directly.

ולמאן דאמר⁵ אשו משום ממונו⁶ על כל הגדיש פטור ועל מקום גחלת חצי נזק בדאדייה אדויי: And according to the one who maintains that the liability for causing a fire is because the fire is considered his money, the rule is that the dog's owner is exempt from paying for the entire גדיש,⁷ however he has to pay a ח"נ for the

¹ The simple reading of this משנה indicates that he pays a ח"נ for the entire גדיש, even for the section where the dog placed the גחלת. Seemingly for damage he caused on the place of the גחלת he should pay a נ"ש (for it is like רגל). The fact that he pays a ח"נ even for the מקום הגחלת, indicates that it is משונה (and a דקרון). How then can we derive from this משנה (where he pays a ח"נ מגופו for an unusual היזק) that normal צרורות also pays a ח"נ מגופו? Our תוספות may be addressing this issue. See footnote # 9.

² This is יוחנן ר'.

³ If one makes a fire (even) in his רשות and it spreads and does damage elsewhere it is considered as if the spreading fire are his arrows which he shot and damaged someone else. In fact it is (usually) considered as אדם המזיק (regarding paying the דברים שבת ד' דברים).

⁴ חציו of a person is effectively translated into צרורות by an animal; it something they throw or kick.

⁵ This is לקיש ריש.

⁶ The liability for fire is similar to the liability one has if his property (like his שור) did damage. It is certainly not considered like אדם המזיק.

⁷ Because in this case the fire (which the dog took from elsewhere) does not belong to the dog's owner. It is not ממונו.

place where the coal landed, if he threw the coal⁸ onto the גדיש⁹.

SUMMARY

The ח"נ payment for the גדיש is either on שאר הגדיש (according to ר"י) or on the מקום הגחלת (according to ר"ל).

THINKING IT OVER

How does the גמרא here know that the reason the dog's owner pays a ח"נ is because it is צרורות; perhaps he pays a ח"נ because the בעל הגחלת pays for the other ח"נ?¹⁰

⁸ If he placed the coal on the גדיש he would have to pay a נ"ש (it would be רגל), however since he threw the coal on the גדיש he pays only a ח"נ (since it is considered either צרורות or קרן [see ד"ה משלם ח"נ]).

⁹ It would seem then that our גמרא (certainly) follows the view of ר' יוחנן and the proof is from the rest of the גדיש (where it is regular צרורות). See footnote # 1. It can perhaps also follow the view of ר"ל regarding the מקום הגחלת if we assume that the reason he pays a ח"נ is because it is צרורות (but not because it is משונה). See footnote # 8.

¹⁰ See (ויש שמה ט"ס דמוכח) גמרא (on the פני יהושע בד"ה על החררה).