

Bava Kamma (22b)

אָמַר לָךְ רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ — **R' Shimon ben Lakish would say to you** in his own defense: הֲכָא בְּמַאי עֲסָקִינָן כְּשֶׁהֲצִית בְּגוּפוֹ שֶׁל עֶבֶד — **With what case are we dealing here** in this Mishnah? **Where he set fire to the slave's very person,** דָּקָם לִיה בְּדַרְבָּה מִיָּנִיה — **for** in that case he has certainly committed an act of murder and **he** therefore **stands** subject to the [penalty] greater than [payment]. Therefore, the Mishnah absolves him from paying.

Bava Kamma (56b)

The Gemara asks:

פְּשִׁיטָא — This is **obvious!** כִּיִּן דְאַפְקוּהָ — **Since [the robbers] removed [the animal]** from the owner's domain, קַיִימָא לָהּ בְּרִשׁוּתֵיהּ לְכָל מִילֵי — **it is considered** to be in their **possession in every regard**. So why did the Mishnah have to teach that they are responsible for the damage it causes?

The Gemara explains why the Mishnah's ruling is needed:

לֹא צְרִיכָא דְקָמוּ לָהּ בְּאַפָּה — **It is needed only where they stood in front of [the animal]**, i.e. the robbers blocked its passage on all sides except one, thereby steering it in that direction without actually pulling it.

The Gemara elaborates:

כִּי הָא דְאָמַר רַבָּה אָמַר רַב מִתְּנָה אָמַר רַב — Our Mishnah thus teaches the same ruling as **that which Rabbah said in the name of Rav Masnah, who said in the name of Rav:** הַמַּעֲמִיד בְּהֵמַת חֲבֵירוֹ עַל קִמַּת חֲבֵירוֹ חַיִּיב — **One who stands his fellow's animal on his fellow's standing grain is liable** for the damage it does there. And the following objection was raised to Rav Masnah's teaching: מַעֲמִיד פְּשִׁיטָא — **But if he stood** the animal on his fellow's grain, it is **obvious** that he is liable! לֹא צְרִיכָא דְקָם לָהּ בְּאַפָּה — And the following answer was given: Rav Masnah's teaching is **needed only where he stood in front of [the animal]**, i.e. he steered it towards the grain by blocking its passage in all other directions.

Sanhedrin (Mishnah 76b)

If one incited a dog against [someone] שִׂיסָהּ בּוֹ אֶת הַנֶּחֱשׁ — or if one incited a snake against [someone], and the dog or snake bit that person and he died, פְּטוֹר — **[the murderer] is not liable** to execution. הִשִּׁידָּ בּוֹ אֶת הַנֶּחֱשׁ — But if he directly caused the snake to bite [someone], רַבִּי יְהוּדָה מְחַיֵּיב — **R' Yehudah rules** that he is liable to the death penalty, וְחֻכְמִים פּוֹטְרִין — **while the Sages rule** that he is **not liable**.

עי' דברי משפט חלק ב' עמ' שסא