



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

### Bava Kamma Daf Tes

- **R' Huna** said, the pesukim quoted earlier (one that says a mazik must pay from superior quality and one that says that anything with value may be used) are not contradictory. They refer to the two methods of payment. A mazik can either pay with money or with superior quality land (if he chooses to pay with land).
  - **Q: R' Nachman** asked **R' Huna**, the Braisa learns from the pasuk of "yashiv" that any item of value can be used, even if it is not money!? **A:** If the mazik has no money or superior land, we allow him to pay with anything of value. We would have thought that we make him sell his items and pay with money or land. The pasuk therefore teaches that he can use anything of value.
- **R' Assi** said, money is like land.
  - **Q:** Regarding what halacha was that said? If he means that money is like superior land for payment, that is exactly what **R' Huna** said!? He can't be referring to the case of two brothers who split an estate, with one taking land and the other taking money, and a creditor then came and took the land, in which case the brother must split the money with his brother who had taken the land, because it is obvious that they both must share the burden of their father's obligations!? [Others says that this case can't be what was meant, because in fact the brother would *not* have to split the money with his brother, because he says, just as I would not ask you for land if the money was stolen, so too you cannot ask for money if the land is taken away!?] He also can't be referring to where the brothers divided the land, and one of them had the land taken for their father's obligation, in which case the first brother may pay for his share with money or with land, because **R' Assi** has already said this halacha elsewhere!? **A:** Rather, he said this in regard to money being the equivalent of superior land for payment. Although this is exactly what **R' Huna** said, we must actually change the statement to say "and **R' Assi** said this as well".
- **R' Zeira in the name of R' Huna** said, one spends up to 1/3 for a mitzvah.
  - **Q:** What is meant by "1/3"? It can't mean he spends up to 1/3 of all his money, because that would mean that if he has 3 mitzvos to do, he would have to use all his money!? **A:** **R' Zeira** said, this means that for beautification of a mitzvah, one must spend up to 1/3 of the amount spent on the mitzvah itself.
    - **Q: R' Ashi** asked, it is a third of the principle amount or a is it equal to half of the principle amount, so that when added to the principle amount he has then added 1/3 of the new total? **A: TEIKU.**
    - In EY they said in the name of **R' Zeira**, that up to a third of the mitzvah one must spend from his own (and will not be rewarded for that in this world). Any amount spent more than 1/3 will be paid back to him in this world by Hashem.

### MISHNA

- Anything for which I am obligated to prevent from doing damage, it is as if I have done the damage if I do not watch it properly. If I have caused part of the damage, I am chayuv to pay for the damage as if I caused the entire damage.
  - If the damage is done to property that is not subject to me'ilah, that belong to a Yid, that are owned by a private person, that is done anywhere except a place that is designated for the mazik or a place that is owned by the nizik and the mazik, then if damage is done the mazik must pay for the damage with superior land.

## GEMARA

- A Braisa says, whatever I am obligated to watch and prevent from doing damage, I have caused the damage if I don't properly watch it and it causes damage. What is a case of this rule? If an ox or a bor were given to a deaf-mute, shoteh, or a minor to watch and the ox or bor did damage, the owner must pay for the damage (because giving it to these people was not a proper watching). However, this would not be the case regarding fire (if he gave fire to one of these people he would be patur from paying).
  - **Q:** What is the case of the Braisa? If he gave them an ox that was tied down and a bor that was covered, the corresponding case of a fire would be if he gave them a coal. Why would there be a difference in responsibility between these cases? You also can't say the case is where the ox was untied and the bor was uncovered, and the corresponding case of fire was where he gave them an open flame, because why would he be patur in the case of the fire? **Reish Lakish in the name of Chizkiya** said that he would be chayuv for giving an open flame to one of these people!? **A:** The case is where he gave them an ox that was tied down and a bor that was covered, and the corresponding case of a fire would be if he gave them a coal. The reason for the difference in responsibility is that an ox tends to untie itself, and a bor tends to get uncovered (and he is therefore responsible). However, a coal tends to weaken more and more, and therefore if these people fanned the coal into a fire, it is considered to be their doing, and not the doing of the one who gave the coal to them.
    - **R' Yochanan** says that even if one gives an open flame to these people he is patur. According to him the Braisa must be talking about where the ox was untied and the bor was uncovered, and the corresponding case of fire was where he gave them an open flame. The reason for the difference in responsibility is that the ox and the bor do damage on their own, without the involvement of the cheireish, shoteh or katan. However, the fire itself would not have done damage without them setting something on fire. Therefore, he is not chayuv, because it is their action that caused the damage.