



OVERVIEW BAVA KAMA DAF 9

Section 1: Can You Back Out of a Sale?

Abaye: If Reuven sold land to Shimon WITHOUT a guarantee, and people protest claiming it's theirs:

- Before Shimon takes legal possession (Chazakah) → he CAN back out
- After taking legal possession → he CANNOT back out

Why? Reuven can say "You knew you were taking a risk."

What counts as legal possession? Walking around the borders of the property.

Version #1: This only applies if he bought WITHOUT a guarantee. With a guarantee, he can back out.

Version #2: Even with a guarantee, Reuven can say "When they legally take it from you, I'll return your money" (but you can't back out now).

Section 2: Paying with Things Other Than Money

Rav Huna: Damages must be paid with money or best land.

Challenge: A Beraisa says you can give "anything worth money, even bran"!

Answer: That's only when the damager has no money or land. Otherwise he must sell his stuff to get money.

Rav Asi: Money is like land (you can use either).

What does this teach?

The rabbis debate different cases where this might apply, like two brothers dividing an inheritance and a creditor taking one brother's share. Can the other brother compensate him with money or must it be land?

The answer depends on whether brothers who divide are considered like heirs (who share everything) or like buyers (who each own their separate portion).

Section 3: How Much Should You Spend to Beautify a Mitzvah?

R. Zeira: One must spend up to a third for Mitzvos.

Question: Does this mean a third of your WEALTH to do any mitzvah?

Rejection: That's unreasonable! If you encounter three expensive mitzvos, you'd be broke!

Correction: One must spend an extra THIRD beyond the basic cost to beautify a mitzvah.

Question: A third of the basic cost, or a third of the beautified cost?

Unresolved.

Additional teaching: Up to an extra third, you spend your own money. Above a third, God returns the money to you in this world.

Section 4: General Rules of Damages

Mishnah: Anything you must guard, you must pay if it damages.

If you're responsible for PART of the damage, you're responsible for ALL of the damage.

Damages apply to:

- Property that's not Temple property
- Property belonging to Jews

- Owned property (not ownerless)
- In any place except the damager's private property

Payment is with best land.

Beraisa: If you handed an ox or pit to a mentally incompetent person (deaf-mute, insane, or child), and it damaged, you must pay. This is NOT true for fire.

What's the case?

- Can't be a tied ox, covered pit, and coal (you'd be exempt in all cases)
- Can't be a loose ox, open pit, and flame (you'd be liable in all cases)

Answer: A tied ox and covered pit - but they broke loose on their own. A coal dies out on its own, so you're exempt for fire.

Challenge according to R. Yochanan: R. Yochanan says even a flame you're exempt (because we attribute the damage to how the incompetent person held it, not to you giving it to them).

Answer: For an ox or pit, the incompetent person didn't do anything - the ox or pit caused the damage by itself. For fire, the way the person carried the flame caused the damage.