

**He shall return; to include that which is worth money – ישיב לרבות שוה כסף**

## OVERVIEW

The תורה writes (by נזקי בור) that בעל הבור ישלם כסף ישיב לבעליו.<sup>1</sup> The word ישיב is (seemingly) superfluous;<sup>2</sup> it comes to teach us that the payment for damages need not necessarily be made with money but can be made with anything that is of monetary value (even סובין). It would seem that once the תורה teaches us that שוה כסף is as valid as כסף (by נזיקין); the same should apply to all other cases where כסף is required. However, תוספות points out that we find that the תורה teaches us this rule elsewhere as well.

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**בפרק קמא דקדושין (דף ח,א טז,א) דרשינן נמי הכי גבי עבד עברי -**

**In the first פרק of קדושין we similarly interpret the word ישיב which is written<sup>3</sup> concerning a Jewish slave.** This would seem to be redundant; that the תורה should teach us twice that שוה כסף is acceptable as כסף.

תוספות responds:

**ויש [שום] צריכותא (ע"ש דף ב. בתוספות ד"ה בפרוטה):**

**And there is a necessity [of sorts]** for the תורה to write this law both by נזיקין and עבד עברי. We would not be able to derive one from the other.<sup>4</sup>

## SUMMARY

There is a reason why the תורה writes ישיב both by נזיקין and ע"ע.

## THINKING IT OVER

תוספות in קדושין writes that if it would say ישיב only by נזיקין we would have thought that if you purchase an עבד with קרקע it must be with מיטב.<sup>5</sup> Seemingly what is the

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<sup>1</sup> שמות [משפטים] כא, לד.

<sup>2</sup> רש"י ד"ה ישיב.

<sup>3</sup> The תורה writes (ויקרא [בהר] כה, נא) concerning an עבד עברי who was sold to an עכו"ם that ישיב גאולתו מכסף מקנתו עכו"ם; that the purchase of an עבד עברי, as well as his redemption can be accomplished through שוה כסף as well as through כסף.

<sup>4</sup> One explanation that תוספות offers in קדושין is; if the תורה would have taught us כסף כסף only by ע"ע, we would not assume that it applies to נזיקין, since by נזיקין there is a requirement to pay with מיטב, and I may have thought that שוה כסף is not מיטב. And if ישיב would be written only by נזיקין, it would be difficult to derive ע"ע from נזיקין, for then it would also be necessary to assume that if an עבד is to be purchased with קרקע, it must be מיטב, just as it is by נזיקין. Therefore the תורה wrote שוה כסף כסף, both by ע"ע and נזיקין. See 'Thinking it over'.

<sup>5</sup> See footnote # 4.

connection?! We are deriving that שכ"כ by ע"ע just as by נזיקין; however the idea of מיטב is only by נזיקין, why should we assume that the two (שוכ"כ and מיטב) are connected?!<sup>6</sup>

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<sup>6</sup> See בל"י.