

*Bava Kamma* 3 teaches that—based on the verses in *Parashas Mishpatim*—we derive that an owner of an ox must pay for the damage his ox caused by eating, both in the case of *michlaya karna*, where the principal was destroyed, and in the case of *lo michlaya karna*, where the principal was not destroyed. Commentators struggle to try and define the two scenarios. Tosfos explain that the case of the principal being destroyed is when an animal enters the field of another and eats vegetation. The vegetation was lost, and as a result, the scenario is described as the principal being destroyed. The case of when the principal was not destroyed was when the animal entered the field of another person and released excrement on the plants. The plants stayed extant. As a result, it is said that the principal was not destroyed. However, because they were soiled, they were of less value. The owner of the animal would have had to pay for the diminished value.

Rashba and Rashi provide a different explanation. They teach that *michlaya karna* refers to an animal that ate the entire plant, while *lo michlaya karna* refers to a case when an animal entered the field of another and only ate some of the leaves. The plant will grow back. It will likely grow back better because the animal ate from it. Many farmers would deliberately send animals to eat young growth to stimulate further propagation. Even so, the owner of the animal must pay for the leaves that his animal consumed. The owner of the field did not want his sprouting plants to be eaten. As a result, the owner of the animal must reimburse him for the loss. The novel insight of *lo michlaya karna* is that even though ultimately the damaged party gained, since in the immediate term he lost an item of value, he must be reimbursed.

Based on the rule that *lo michlaya karna* is defined as damage, the *halachah* would make Shimon pay. Even though after one painting