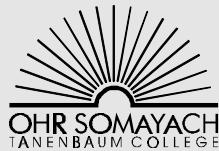


The Weekly Daf



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Bava Kama 23-29

Week of 6 -12 Nisan 5754/18-24 March 1994

Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied as part of Daf Yomi during the above dates.

The Range of Responsibility

RULE ONE:

A person is responsible for the damage he causes voluntarily or involuntarily.

Bava Kama 26a

RULE TWO:

A person who breaks a vessel placed by another in the street is not responsible for the damage — either because it was too dark for the vessel to be visible, or because it was placed at a corner where it could not be noticed in time by someone turning that corner.

Bava Kama 27b

The Problem:

Rule Two suggests that a person has no responsibility for damage he causes involuntarily, which seems to be in conflict with Rule One, that he is indeed responsible for such damage.

The Resolution:

Causing damage unintentionally does not necessarily mean that there is no negligence involved. Rule One deals with situations in which there is some measure of negligence, and therefore responsibility for damage caused. Rule Two deals with situations that are totally beyond human control, and therefore free the unintentional damager from responsibility.

Tosefos

Responsibility to Others

❖ You place a vessel in the street. Someone comes along in the dead of night, breaks it, and cuts himself on the pieces. He is *not* responsible for breaking the vessel (See above). You are responsible for the damage he suffers.

Mishnah 27a

❖ There is a difference in the Talmud's approach to *your* responsibility and *his* that establishes an important principle — a person is required to be more careful to avoid causing harm to others than he is in protecting himself from harm.

Tosefos

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