

# The Weekly Daf



by Rav Mendel Weinbach

Dean, Ohr Somayach Institutions

22 Shimon Hatzadik Street, POB 18103, Jerusalem 91180, Israel

Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: ohr@virtual.co.il Web: <http://www.ohr.org.il>

**Bava Kama 2-8 Week of 14 - 20 Adar 5754/25 February - 3 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.*

## ***A Man is a Man, Awake or Asleep***

Should you suggest that just as there are different categories in regard to damages caused by a man's property due to his negligence so too are there two categories of damages caused by man himself, those caused while he is awake and those caused while he's asleep, we are taught otherwise by the Mishna which declares: "Man is always responsible for his actions, whether awake or asleep."

*Bava Kama 3b*

It is man's nature to cause damage (to vessels at his side or by his feet) while he is sleeping because it is expected that he will expand and contract his body (and this stretching will lead to the breaking of those vessels).

*Bava Kama 4a*

The Jerusalem Talmud adds that a sleeping man is responsible only when he lies down next to the vessels, but if others place the vessels next to him while he was sleeping he will not be responsible for their breakage since it was they who set up the damage. Similarly, if one lies down next to a sleeping man and they hurt each other in their sleep the first is blameless and the second one responsible.

*Tosefos*

## ***Being Right is Not Enough***

If Reuven sells a field to Shimon on the condition that he will not have to compensate him should the field be confiscated by Reuven's creditor (whose lien predates the sale and gives him a lien on Reuven's property), Reuven can go to court to contest the claim being made by the creditor. He cannot be dismissed on the grounds that he is not a party to the case (since he will not be responsible for compensation) because he can say to the claimant: "I do not want Shimon to have a complaint against me."

*Bava Kama 8b*

This teaches us an important lesson in human relations: how important it is to avoid a situation in which one is legally covered but still morally responsible for the harm caused to another. The need to avoid such a complaint is considered of sufficient substance to make him a party with a vested interest in the outcome of the case.