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