

The Weekly Daf



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Bava Kama 16-22

Week of 28 Adar-5 Nisan 5754/11-17 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 Talmudic Mystery - Who is Guilty?

An animal steps on a vessel in someone else's property, causing it to roll and eventually break. Do we judge the degree of responsibility of its owner according to the *beginning* of the action and consider it as damage caused by the actual body of the animal (which requires full payment) or do we judge it according to the *end* - the moment of breakage - and consider it as damage caused by the power, rather than the body, of the animal (requiring only half payment)?

This is the problem posed by the Sage Rava. But what was a problem for Rava was clear to his master, the Sage Rabbah, who issued this ruling in a parallel case:

If a man hurls a vessel from a rooftop and another comes along and smashes it with a stick before it reaches the ground, the second is absolved of responsibility, for we judge responsibility according to the *beginning* and therefore consider the vessel as having been broken even before he smashed it.

Bava Kama 17b

The identity of the hurler is a subject of controversy:

1. It must be the owner of the vessel. Otherwise Rabbah should have mentioned that the hurler is responsible for the damage.

Rabbi Shlomo ben Yitzchak (Rashi)

2. It must be someone other than the owner. Otherwise, it is the owner's abandonment of his property which absolves the smasher from responsibility for damage and not necessarily because we judge according to the beginning. The hurler's responsibility is implicit in the exemption of the smasher and therefore requires no explicit mention.

Rabbi Asher ben Yechiel (Rosh)

Learning to Do and to Teach

When King Chizkiyahu passed away he was accorded "great honor" for he was a righteous leader who disseminated Torah learning throughout Israel. This "great honor" consisted of a Sefer Torah being placed on his funeral bier as an expression of his lifetime fulfillment of what is written in that Torah. Rabbi Yochanan pointed out that while a similar honor was accorded to great Torah scholars even in the Talmudic era, there was a special dimension in the tribute accorded to Chizkiyahu:

"He *fulfilled* what was written in this Torah" was proclaimed at the funeral of the great men of Talmud times. "He *taught* what was written in this Torah" was proclaimed in regard to Chizkiyahu. This conclusion that Torah study is of greater importance than fulfillment of mitzvos is not inconsistent with the Talmudic dictate that "Torah study is important because it leads to fulfillment," which gives the opposite impression, because there is a crucial difference between *studying Torah*, which is only a prelude to fulfillment, and *teaching Torah* to others, whose value surpasses fulfillment of mitzvos.

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