

The Weekly Daf



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Bava Metzia 93-99 Week of 16-22 Tishrei 5755 / 21-27 September 1994

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

This issue is dedicated in the memory of Albert Ernest O.B.M.

In the Service of Disciples

The Rule:	One who borrows an animal is responsible to compensate its owner even if the animal died as a result of an unavoidable accident. He is exempt from any responsibility, however, if the owner was in the service of the borrower at the time of borrowing. "If the owner is with him", writes the Torah (Shmos 22:14) "he is not required to pay."	
The CONFRONTATION:	Disciples of the Sage Rava: "You, Master, are in our service since you teach us Torah all day long. Should we borrow an animal from you we will therefore bear no responsibility for compensation if the animal dies."	The Sage Rava: "How dare you try to evade responsibility with such an interpretation of our relationship! On the contrary, you are in my service and I would enjoy exemption if I borrowed from you. This is so because I, as teacher, can determine which <i>masechta</i> to learn and can even switch from one <i>masechta</i> to another if I feel a need to review the second one, a privilege which you do not enjoy as disciples."
The Problem:	Who is right — master or disciples?	
The Resolution:	The master is considered to be in the service of his disciples during the pre-Festival period when there is an obligation to learn the laws pertaining to the Festival. The disciples are considered in his service during the rest of the year. (The Talmudic statement (Pesachim 6a) that "Inquiries and lectures in the laws of Pesach are conducted thirty days before Pesach" has monetary implications as well, for if disciples will borrow an animal from their master during this thirty-day period they will be absolved of responsibility since he is considered to be in their service. — <i>Turei Zahav, Shulchan Aruch Orach Chaim 429:1</i>)	

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Asking for Trouble

The Sage Abaye posed the following question to the Sage Rava:

A hired shepherd meets a fellow notorious as a cattle thief and taunts him: "You rotten crook. We are tending our sheep in the southern pasture. Should you try to steal from us there you should know that we have a considerable number of shepherds, guards and dogs and we will kill you." The insulted thief eventually succeeds in committing an armed robbery and steals some sheep. Can the shepherd claim exemption from compensation to his employer on the grounds that armed robbery is considered something beyond his control?

Rava's response was that just as a shepherd cannot claim innocence when his flock is attacked by a lion if he knowingly led the flock to a lion infested place, so too can he not claim innocence when he reveals to an armed robber the location of the flock and incites him to steal by insulting him.

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