

The Weekly Daf



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Bava Kama 114-119 Week of 8-13 Tamuz 5754/17-22 June 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 Samuel and Fannie Goldberg O.B.M.

Three Sides to a Story

The Case:	A man pursues another with an obvious intention of murdering him. While the intended victim takes hurried flight an heroic bystander in turn pursues the intended murderer to prevent him from committing his crime even if he must slay him to do so. All three of them – pursuer, pursued and rescuer – break vessels belonging to others in the course of their action which ends up with all of them still alive.		
	The Pursuer	The Pursued	The Rescuer
The Rule:	The pursuer cannot be compelled to pay for any damage he caused while engaged in his murderous pursuit. (He does have a moral obligation to provide compensation but the court cannot compel him.)	The pursued is free from paying for any damage caused to the property of his pursuer but must compensate anyone else whose vessels he broke in order to escape his pursuer.	The rescuer is free from paying for damages caused to anyone's property while engaged in his lifesaving mission.
The Reasons:	One who has a death sentence hanging over him at the time that he incurs financial responsibility is exempt from this minor responsibility. Since everyone has the duty to even take his life in order to save his intended victim the pursuer cannot be held responsible for damage caused during this time.	Since the pursued may even take the life of his pursuer in self-defense he may certainly destroy his property if this will help him save his life. As regards damaging someone else's property he may certainly do so in order to save his life but he must make compensation.	In order not to discourage people from taking lifesaving action the Sages decreed that he is free from paying for damage done to anyone's property while engaged in saving a life.

Bava Kama 117b

Life and Livelihood

Causing someone to lose his source of livelihood is considered as serious as murder. King Saul is referred to (Shmuel II 21:1) as the man “who murdered the Givonim”. In actuality Saul had never killed any of these converts whose livelihood was derived from supplying wood and water to the Kohanim performing the sacred altar service at the Sanctuary in Nov. But when he ordered the execution of these Kohanim whom he suspected of conspiring with David in a rebellion against the throne he cut off their source of livelihood and is therefore condemned as the murderer of the Givonim as well.

Bava Kama 119a