

# 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 107-113 Week of 1-7 Tamuz 5754/10-16 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.*

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## The Limits of Responsibility

<b>The Case:</b>	A man borrows a cow and passes away before returning it. His children, unaware that the cow is not their father's, slaughter it and consume its flesh.
<b>The Rule:</b>	They must compensate the owner of the cow by paying two-thirds of the market value of beef.
<b>The Reasons:</b>	<ol style="list-style-type: none"><li>1. They cannot be held responsible for damage caused because of circumstances completely beyond their control. (In earlier sheets this principle was cited in regard to someone causing damage in his sleep or breaking a vessel in the street due to darkness of night.)</li><li>2. Even though there is no obligation to pay for damage there is an obligation to pay for the benefit they derived from eating the meat.</li><li>3. In evaluating this benefit we assign only two-thirds of the meat's market value because we assume that they might not have eaten meat had they been required to pay full price and would indulge in this luxury only if it was available at the bargain price of two-thirds.</li></ol>

*Bava Kama 112a*

## The Limits of Audacity

<b>The Case:</b>	A man claims someone owes him money which he loaned him but has no witnesses or documentation to prove his claim. The defendant totally denies the obligation.
<b>The Rule:</b>	He is free of any obligation to pay the alleged debt and Torah Law even exempts him from taking an oath to prove his innocence. (A later rabbinical decree does require him to take a special oath.)
<b>The Reason:</b>	Human nature is such that a man does not have the audacity to lie to someone who did him a favor by lending him money. We therefore assume he is telling the truth in denying the claim.

*Bava Kama 107a*