

Bava Kamma 3

Prayer and Damage

Our Mishnah described one of the primary forms of damage as *maveh*. Rav explained the term to mean a man who damages. He proved it from a verse *amar shomer asah voker ve-gam lailah im tiva'un be-ayu*, “The watchman says, ‘Morning is coming, and also night; if you inquire, inquire’” (*Yeshayahu 21:12*). Rav argues that the prophet described man as a praying being and used a word formed from the root *בעה* to characterize man as a supplicant.

The Rishonim ask a basic question. If the intent was to teach that a man is responsible for the damage that he performs, why did the Mishnah not simply use the term *adam*, “man,” instead of the more obscure *maveh*? Many answers have been offered to this question.

The *Nimmukei Yosef* explains that the term *adam* might have been understood to refer to one’s slave and maidservant. Had the Mishnah written that there is a responsibility to pay in the case of *adam ha-mazzik*, one might have thought that if a slave caused damage, the master would be responsible to pay, but later in the tractate we learn that the master does not need to pay when his slave damages. This is why the Mishnah used the word *maveh*. In the verse it referred to a *Yisrael*, a free man. By describing a man who damages as *maveh*, the