

actions—even if the actions were unintentional, the actions occurred because he did not pray enough. The real root of his liability is his insufficient prayer. That is why a damager is defined as *maveh* and not *adam*. His lack of heartfelt prayer is what obligated him.

The masters of homiletics, such as Rav Eliyahu Feinstein of Pruzhana, offer another answer. The Mishnah is teaching that to damage the property of others is subhuman. A human being who is a descendant of the first man and who deserves the appellation “Adam” would treat the property of others with respect and avoid causing damage. Only one who cannot be called “Adam” would damage property of others, and that is why he is called *maveh* (Daf Digest, *Chashukei Chemed*).

If the Damage Added Value, Must the Damager Still Pay?

Mishpatei ha-Torah records a classic question: Reuven owned two rare paintings from a deceased artist. Each painting was worth 100,000 shekel. There are very few works from this master; no further pieces will ever be produced, and as a result each work was extremely valuable. Shimon was also an art collector, and he was jealous of Reuven. One day when Shimon was in the home of Reuven he tore up one of the paintings. There were now even fewer works of the master extant, so Reuven’s surviving painting increased in value. It was now worth 250,000 shekel. Reuven wanted Shimon to pay him 100,000 shekel for having destroyed a painting worth 100,000 shekel. Shimon claimed that he did not owe Reuven any money, since he had ultimately added to Reuven’s bottom line by increasing the value of his assets. Did Shimon have to pay?