

## *Bava Kamma 5*

### **Does Stress Exempt the Damager?**

Rav Zilberstein discussed the following scenario: A terrorist ran into a classroom and committed a terror attack. In order to thwart the terrorist, someone fired tear gas into the room. Once the attacker was neutralized the children were rushed to the emergency room. They each needed drops for their eyes. One nurse was overwhelmed by the scene. She was deeply upset by the many children who needed her care. She became very tense and stressed. She mistakenly gave the wrong type of eye drops to one child. The child unfortunately was injured. The child demanded payment for the injury caused to him. The nurse argued that she was stressed by the situation and as a result it was a mistake akin to an *oness*, a coerced misdeed. She argued *oness rachmana patreih*, Hashem forgives the coerced mistakes, and as a result she should not have to pay anything. Who was right?

Rav Zilberstein pointed out that stress is not a reason to exempt a damager. However, the *halachah* does not obligate payments from a doctor who makes a mistake when attempting to heal.

*Bava Kamma 5* mentioned the case of *mefaggel*. Most of the time Rashi explains that the word *mefaggel* refers to a *kohen* who, while performing one of the primary services of the sacrifice, planned to