

The JEWISH Spin on Current Events

SOUTH KOREA OIL SPILL

Who is liable and what is the significance of Oil & Spills?

∞ OVERVIEW ∞

1. IS ONE LIABLE FOR UNAVOIDABLE ACCIDENTS?
2. FOR WHAT TYPE OF ACCIDENTS IS ONE RESPONSIBLE?
3. ARE ALL TYPES OF 'SPILLS' BAD?
4. IN WHAT WAY ARE THE JEWISH PEOPLE COMPARED TO OLIVE OIL?
5. WHY ON CHANUKAH IS THERE SUCH A FUSS OVER OIL?

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ס SOURCES ס

1. Is one liable for unavoidable accidents?

ס 1A ס

TALMUD, BAVA KAMA 28B

Mishnah: If one's pitcher [of water] broke in the public domain, and another person slipped on the water, or was injured by a shard, he is liable...

Talmud: ...Indeed, R' Meir would hold [the owner of the pitcher] liable even where [the pitcher it broke off, leaving only] its handle in his hand.

But why? He is the victim of an unavoidable accident, and the Merciful One releases one from liability for unavoidable accidents, as it is written [concerning a betrothed girl who was raped] "And to the girl you shall do nothing".

And if you will argue that these words apply only with regard to capital offenses, but with respect to damages one is liable [even if the damage was unavoidable]: It was taught in a Baraisa: If one's pitcher broke and he did not remove it, or if his camel fell and he did not stand it up, R' Meir obligates him to pay for their damage, but the sages say, he is not liable under the laws of man, but he is liable under the laws of heaven. And the sages agree with R' Meir in a case where one left his stone, knife or burden on the top of his roof, and they fell off in a normal wind and caused damage, that he is liable. And R' Meir agrees with the sages in a case where one brought jugs up onto the roof in order to dry them, and they fell off in a wind that was of abnormal strength and caused damage, that he is not liable...

2. For what type of accidents is one responsible?

ס 2A ס

TALMUD, BAVA KAMA 13B

A *tam* pays half damages, and a *muad* pays full damages. If the wall [enclosing the animals] broke open during the night, or robbers broke it open, and [the animal] went out and did damage, he is not liable.

ס 2B ס

TALMUD, BAVA KAMA 15B

... a dog that ate sheep, or a cat that ate a chicken, it is a case of unusual damage, and we do not collect it in Babylonia.

This ruling, however, applies only to large ones [i.e., large sheep or chickens], but in the case of small ones, it is normal for it [the dog or cat to attack them, and therefore you are liable for monetary compensation, which is collected also in Babylonia].

⌘ 2C ⌘

TALMUD, BAVA KAMA 26A

Man is always *muad*, whether [he damaged something] unintentionally or intentionally, whether awake or asleep.

3. Are all types of 'spills' bad?

⌘ 3A ⌘

SHULCHAN ORUCH HORAV, 296:5 (PARAPHRASED)

[Laws of Havdala] The custom is to pour some wine from the cup on to the earth as a good sign, for every home that wine doesn't pour like water, there is no Siman Beracha. Therefore we make a Siman Berocha in the beginning of the week. And this is not considered disgracing the wine by wasting it, being that he is pouring out only a little bit. One should practice this pouring at the time when filling the cup, by filling the cup over its brim so that it pours over the cup and on to the earth. However, one should not pour on the earth from the filled cup of wine, for by doing so the cup will no longer be properly full. And should he pour out after the Havdala ceremony (before he will drink), it would be disgraceful to the blessing he made, "Borei Peri Hagofen". For by making a blessing on a full cup of wine and only thereafter did he pour out some, it would make it seem as if there was some disgusting thing in the wine at the time of the blessing.

We also have the custom to pour some of the wine on the table from the wine that is leftover in the cup after drinking from it. We extinguish the havadala candle in it, so that it is apparent to everybody that the candle was lit strictly for the purpose of fulfilling the mitzvah of Havdala and to make a blessing on it. We also have the custom to wipe some of this wine that was poured out over our eyes, to expresses our passion for the mitzvah.

4. In what way are the Jewish people compared to olive oil?

⌘ 4A ⌘

TALMUD, MENACHOS 53B

Citing a verse (from Jeremiah 11:16), which G-d calls Israel "a leafy olive tree", the Talmud elaborates on this analog?

R' Yehoshua ben Levi said: Why are Israel compared to an olive tree? To tell you that just as the olive tree its leaves do not fall in the summer or in the winter, so Israel as well, they will never be subject to nullification, neither in this world nor in the World to Come.

And R' Yochanan said: Why are Israel compared to an olive tree? To tell you that just as the olive tree does not release its oil only through crushing, so Israel as well, they will not return to the right path except through suffering.

5. Why on Chanukah is there such a fuss over oil?

⌘ 5A ⌘

TALMUD, SHABBAT 22B

"What is Chanukah? ...when the Greeks entered the Sanctuary [of the Holy Temple] they defiled all the oil therein. When the royal house of the Hashmoneans overpowered [the enemy], they searched and found only one jug of oil which was sealed with the signet ring of the High Priest..."

⌘ 5B ⌘

SYMBOLISM OF THE OIL

1. Oil = Wisdom. Pure Oil = Wisdom of Torah.
2. Purity = acceptance
3. Non-miscible fluid which transcends yet permeates = Mitzvos

⌘ 5C ⌘

BASED ON SHAAREI HAMOADIM, CHAPTER 35

Contradictory characteristics in oil:

1. Oil is processed by 'Crushing' = Humility
2. 'Permeates' everything it comes into contact = Friendliness & Closeness
3. 'Non-miscible' = Separation
4. Transcends other liquids = Pride