

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva and Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Unemployment—שבת (cont.)

The Gemara concludes its proof that when an injury causes the victim to be unemployed but he will completely heal, the assailant must pay the five categories of payment.

This answer is unsuccessfully challenged.

The Gemara explains how each category of damages applies to a son who cuts off his father's hair.

It is noted that Rabbah's inquiry was an obvious matter for Abaye and Rava although they maintained opposite positions about liability when an injury causes the victim to be unemployed but he will completely heal.

2) Injuring a Jewish slave

Abaye and Rava dispute who collects the payments when someone cuts off the hand of his friend's Jewish slave.

The exact case that is under dispute is clarified.

3) Humiliation – בושת

It is noted that the Mishnah's discussion of payment for humiliation seems to follow R' Shimon rather than R' Meir and R' Yehudah.

A suggestion is made that the Mishnah follows R' Yehudah but the suggestion is rejected.

A Baraisa is cited that seemingly does not follow R' Meir, R' Yehudah or R' Shimon.

The Gemara explains how the Baraisa could follow R' Yehudah's position.

Alternatively, the Gemara suggests that the Baraisa follows R' Meir. The assumption that a minor could be humiliated is unsuccessfully challenged.

4) MISHNAH: The Mishnah presents additional cases of humiliation.

5) Humiliating a naked person

A Baraisa is cited that elaborates on the topic of humiliation to a naked person and a person in a bathhouse.

The case where one is liable for humiliating a naked person is

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In loving memory of their father
הרב יצחק בן הרב משה, ע"ה

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Distinctive INSIGHT

Embarrassing a sleeping person

והמבייש את הישן חייב

When a person who is sleeping is embarrassed by someone else, he is unaware of what is happening at the time, until he wakes up. Yet **מלוניל ר'** explains that when this person wakes up he will find out what happened, and it will cause him distress. This is why he must be paid for the embarrassment he suffers due to the incident. Tosafos Yom Tov adds that the **חידוש** in this case is that we might have said that the person did not experience direct embarrassment at the time of the original event, as he was asleep. When he is awake and realizes later what happened, his sense of humiliation might be construed as a **גרמא**, an indirect outcome of the episode, and not deserving of being compensated. This is why the Mishnah had to teach that the one who caused this disgrace does, in fact, have to pay the victim who was sleeping.

There is a question regarding this case in a situation where the sleeping person was subject to embarrassment, but the source of the problem was removed before he awoke, and he did not find out about the problem even upon awaking. Should the one who caused the embarrassment have to pay for the embarrassment which was never felt? This case can be compared to one presented later in our Gemara where a person was embarrassed while sleeping, but then he died without awaking. According to R' Pappa's understanding, the Gemara concludes that in that case, the victim need not be paid, as embarrassment is only due when the person actually experienced shame, but since he died before awaking, he never knew what happened. Tosafos Yom Tov therefore suggests that in our case, as well, no payment would have to be made to the one who woke up not realizing what had occurred.

Rashash disagrees and says that there is no proof from the case of the one who died before waking to our case where the person woke up, but just did not realize that he had been embarrassed. In the case of dying, the person will never know what happened.

REVIEW and Remember

1. What is the difference between שבת קטנה and שבת גדולה?
2. Is one obligated to pay for accidental humiliation?
3. Does one pay for humiliating a sleeping person who died before he woke up?
4. What is the source that a blind person is exempt from exile?

HALACHAH Highlight

A son cutting his father's beard and hair

אלא הכא במאי עסקינן כגון שגלחו

Rather what are we dealing with here? A case where the son shaved his father

Sefer Leket Yosher¹ reports that the author of Terumas Hadeshen would not allow his son to trim his beard out of fear that he may inadvertently wound him. Terumas Hadeshen expressed this concern even though he was מוחל him from the outset. This concern is also found in the Torah commentary called Moshav Zekanim (Vayikra 19:3). Teshuvos Tzion L'nefesh Chaya², however, cites this opinion and asserts that one could infer from our Gemara that it is permitted for a son to give his father a shave. The Gemara searches for a case where a child would be obligated to pay for wounding his father and the case the Gemara comes up with is a son who accidentally wounds his father while giving him a shave. This clearly indicates that it is permitted for a child to shave his father. His final conclusion, however, is that one should not be lenient since Terumas Hadeshen was of the opinion that it is prohibited.

Teshuvos Shevet Hakehasi³ suggested that both opinions are correct. If the son will use a scissors to cut his father's beard it is permitted since there is no concern that the son will inadvertently injure his father. On the other hand, if the son will use something that could possibly injure the father it is prohibited. In that same teshuvah he discusses whether a son is liable for giving his father a black and blue mark. He cites a Yerushalmi⁴ that does not reach a definitive conclusion on the matter but Mareh Panim⁵ in his commentary to Yerushalmi notes that Rambam holds that a person is liable for bruising a parent.

Teshuvos Be'er Moshe⁶ permitted a son to cut his father's hair in a circumstance where the father had many sores on his scalp and he based his ruling on a number of different factors. One factor is that the father would be embarrassed for other people to see his sores. Another issue is that in all likelihood the son will exercise greater

clarified.

The case where one is liable for humiliating a person in the bathhouse is clarified.

6) Humiliating a sleeping person

R' Abba bar Mamal inquires whether one must pay for humiliating someone who was sleeping and subsequently died in his sleep.

R' Zevid clarifies the inquiry.

An attempt is made to resolve the inquiry but the question is left unresolved.

R' Pappa offers another explanation of R' Abba bar Mamal's inquiry.

The Gemara concludes that the assailant is not obligated to pay for the humiliation he caused his victim.

7) Humiliation of a blind person

It is noted that the Mishnah that obligates someone who humiliated a blind person does not follow R' Yehudah who maintains that a blind person is not subject to humiliation.

The rationale behind R' Yehudah's position is explained.

To explain R' Yehudah's ruling related to exempting a blind person from exile the Gemara cites a Baraisa that presents the dispute between R' Yehudah and R' Meir on this point.

The exchange between R' Yehudah and R' Meir on this point is recorded.

The reason a blind person is not punished with execution is explained.

A related Baraisa is presented. ■

caution to avoid hurting his father than a stranger would. ■

1. ספר לקט יושר ח"ב עמ' ל"ז

2. שו"ת ציון לנפש חיה סי' ל'

3. שו"ת שבט הקהתי ח"א סי' ר"ס

4. ירושלמי סנהדרין פ"א ה"א

5. מראה פנים שם

6. שו"ת באר משה ח"ד סי' פ"ב-פ"ד ■

STORIES Off the Daf

"Why are you trying to destroy my Nefesh?"

בושת

Today's daf discusses embarrassment.

Rav Shlomo Zalman Auerbach, zt"l, was exceedingly careful not to embarrass anyone, even inadvertently. If for reasons beyond his control he shamed another, he would beg forgiveness from the person he might have embarrassed and did what he could to make amends. Sometimes a person's sensitivity to the honor of others is founded on their own sensitivity to any infringement on their own honor. However, Rav Shlomo Zalman was

known to disregard any form of embarrassment directed to him.

One time a certain distinguished student of the Rav was marrying off his son. The general custom is for the son's Rosh Yeshiva to be mesader kiddushin. For this and other reasons, the family decided to have their son's Rosh Yeshiva officiate despite Rav Shlomo Zalman's close relationship with the chosson's father.

Those closest to the Rav saw this as an insult to the gadol hador and figured that it was only fitting to show this talmid their disapproval. When the time came to travel for the chuppah and Rav Shlomo Zalman was ready to go, someone pointed out, "Since the chosson neglected to take the Rav as mesader kiddushin, perhaps it would be

better for them to wait a half hour and arrive at the hall after the chuppah..."

Rav Shlomo Zalman grew upset and said angrily, "Why are you trying to destroy my nefesh?"

And he insisted that they set out for the chuppah immediately!² ■

1. חכו ממתקים חלק ב' ע' ס'ס"א

2. שם ע' נ"ה-נ"ו

(Insight...continued from page 1)

However, in the case where the person woke up, although the source of the shame has ended, the person who was shamed will find out that that he was the source of ridicule as he slept, and it could be that he deserves to be paid for his now realizing that and suffering because of it. ■