

This month's Daf Digest is dedicated
לעילוי נשמת צבי בן יחזקאל יוסף גרין, מחסידי דעש
From the Grin family, Sao Paulo, Brazil

OVERVIEW of the Daf

1) Holding someone down (cont.)

The Gemara concludes the discussion of the debate whether one is liable for confining a friend's animal in the sun causing it to die.

Rava issues three rulings related to causing a person's death by confinement.

R' Ashi disagrees with the last ruling.

Rava and R' Zeira disagree about liability for killing someone by turning a barrel over him or exposing him to cold.

It is suggested that Rava is the one who maintains that the perpetrator is exempt.

An argument is presented that R' Zeira is the one who holds the perpetrator is exempt.

2) Removing something that could have been used to save the victim

Rava presents four rulings that teach that one who causes the death of another when, at the time of his action, the victim could have been saved, the perpetrator is exempt.

A Baraisa is cited that supports this last ruling.

A point in the Baraisa is clarified.

A related Baraisa is cited.

Ravina unsuccessfully challenges this ruling.

3) One's force

The Gemara unsuccessfully challenges the earlier assumption that when a person throws something at a surface and it bounces off, it is still considered to be his force.

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REVIEW and Remember

1. Why is one who bound another person not liable even though the victim died of hunger?
.....
2. What is the point of dispute between Rava and R' Zeira?
.....
3. What is the reason one who murdered by throwing a ball that bounced off a wall is exempt?
.....
4. What is כח שני?

Distinctive INSIGHT

Deadly dosages

אמר רבא כפתו ומת ברעב פטור. ואמר רבא כפתו בחמה ומת
בצינה ומת חייב. סוף חמה לבא סוף צינה לבא פטור

Rava teaches that one is guilty of murder only if he ties up his victim and places him in imminent danger where the cause of death is already present. For example, if the subject is locked in a room with no food and he eventually dies of hunger, this is not murder. The starvation only occurs later, and not at the moment of incarceration. Similarly, if the subject is placed directly in the sun where he eventually succumbs to heat stroke, this is murder. If, however, he is placed in an area which is currently shady, and the sunlight only arrives later (סוף חמה לבוא), this is not murder.

ר"ן notes that Rava brings two examples which seem to illustrate the same point. Both in the case of locking someone up without food as well as where the victim was placed in a shady area where the sun later came, the victim is placed in a situation where the cause of death is not present, and it is only a later development which occurs. ר"ן therefore explains that the novelty of the second example of Rava is that even if the person being locked up without food was already hungry when he was put away, and the cause of his death was already in progress, Rav still teaches that this is not murder. Although he was hungry, the degree of the person's hunger was not deadly at that moment, and this is not considered murder. It is only murder where, for example, the victim was tied up in the blazing sun, and that same degree of heat and exposure resulted in his death. In fact, even if the person was tied up in the early morning sun, which was not enough to kill, and it was just a matter of time until the mid-day heat and sun killed the person, the "attacker" is not guilty of murder. This is also the general approach which Tosafos (כפתו ומת) uses.

רמ"ה clarifies the difference between the cases of locking up a person without food and tying up a person in the blazing heat. If the first case is not murder, why, then, is the case of the sun any different? It seems that although the sun was powerful as he was being tied up, the victim did not die immediately due to the heat until he was slowly overcome. רמ"ה explains that in the case of the hunger, the killer starvation was not present when the door was locked. Although the person was hungry, his stomach was not suf-

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HALACHAH Highlight

Wearing photo-grey lenses on Shabbos

אמר רבא כפתו ומת ברעב פטור

Rava said: One who bound another person and the victim dies from hunger is not liable

Shmiras Shabbos K'hilchasa¹ permitted wearing photo-grey lenses on Shabbos even though the lenses darken when worn outside and then lose their color when brought inside. One reason is that the person wearing them does not do anything to make the lenses change colors; it is the sun that effects the change in color. In this regard it is similar to one who sits outside in the sun and his skin becomes tan. Another rationale for leniency is the fact that the change of color is not permanent. As soon as one enters the house the lenses lose their color. Thus it is similar to opening and closing a door on Shabbos. The reason opening and closing a door on Shabbos is permitted is that this is the normal use of the door and thus does not qualify as a melacha. So too, since these glasses are designed to change colors it is considered normal use and does not qualify as a melacha.

Sefer Orchos Shabbos² questioned the assertion that this is not considered the action of the person wearing the glasses. If a person wears glasses outside when he knows that they will change colors it should be considered his action. Proof to this is found in our Gemara. The Gemara teaches that if one confines an animal in the sun and it dies he is liable since his action of confining the animal was the cause of its

(Insight...continued from page 1)
fering from starvation. In the case of the sun, however, the heat and intensity of the sun was already present in its full and deadly form. Nothing was added as time passed, and it is as if the attacker immediately subjected his victim to a deadly dosage of sun, although it took time until it finished him off. ■

(Overview...continued from page 1)
A second unsuccessful challenge to this assertion is presented.
Two related rulings of R' Pappa are recorded.
Mar bar R' Ashi unsuccessfully challenges the second ruling. ■

death even though he did not actively take the life of the animal. Since the cause of the animal's death was present at the time he confined the animal it is considered his action. So too, since the conditions that cause the lenses to change colors were present at the moment he walked outside it should be considered his action. Teshuvos B'tzeil Hachochmah³ permits wearing these lenses because he maintains that it does not constitute an act of צובע—dyeing. The melacha of dyeing involves adding a substance to change the color of something. In the case of photo-grey lenses nothing is being added to the lens that causes it to change colors. ■

1. שמירת שבת כהלכתה פי"ח סעי' י"ח הע"ע.
2. ספר אורחות שבת פט"ו סעי' צ"ו.
3. שו"ת בצל החכמה ח"ד סי' ד'.

STORIES Off the Daf

A mistake in judgment

”נזיקין שעשה בהן שוגג כמזיד ואונס כרצון...”

On today's daf we find that the Torah sometimes treats damage caused inadvertently as if it had been inflicted intentionally. Rashi cites damage done while one is asleep as an example of this.

Rav Yisrael Salanter, zt"l, was very clear that one must take responsibility for his actions. He pointed out that even learned people often rationalize away what is clearly their halachic responsibility. One must always be aware

that he is accountable for his actions to Hashem and his fellow man.

In a certain place there was a man who learned with amazing diligence. He was so careful to use every instant to learn that when he was tired he would hold a lit candle in his hand to ensure that if he fell asleep he would wake up in a short time and continue learning.

One night he was especially tired, and instead of the candle waking him, he dropped it and continued to sleep. Unfortunately, the wooden shul in which he dozed went up in a blaze of fire. Although eventually it was doused, the flame caused a huge amount of damage.

When people found out how much this dedicated masmid had pushed himself to learn, they praised his superhuman dedication to Torah, calling him an angel. However, Rav Yisrael Salanter, zt"l, vehemently disagreed with this approach. “See how this kind of ‘hasmadah’ is likely to have ruined this man's ability to learn undisturbed for the rest of his life! Obviously it is forbidden for him to continue learning as was his wont, since he must now work full time to repay the vast damage that he caused. Due to an error in judgment of a single night, he now is bound to pay the community back due to his negligence.”¹ ■

1. תנועת המוסר, ח"א, ע' 321-322. ■