



## OVERVIEW of the Daf

### 1) Greek wisdom (cont.)

In response to a challenge the Gemara distinguishes between Greek language and Greek wisdom.

The Gemara continues to challenge the assertion that one is prohibited from studying Greek wisdom.

The Gemara answers that R' Gamliel was an exception to the general prohibition.

A Baraisa is cited that supports the assertion that R' Gamliel was an exception to the rule.

### 2) Raising dogs

A Baraisa elaborates on the restriction against raising dogs.

Another Baraisa is cited that emphasizes the restriction against raising dogs.

The Gemara expands on the leniency to raise a dog in dangerous places.

Two incidents related to the tragic consequences of raising dogs are cited.

### 3) Capturing wild doves

The assumption that doves fly eight thousand amos is unsuccessfully challenged.

Another challenge is presented from a Baraisa that indicates that a dove flies further than eight thousand amos.

R' Yosef and Rabbah offer different solutions to this challenge. Rabbah's explanation is challenged.

Three responses to this challenge are recorded.

**הדרן עלך מרובה**

**4) MISHNAH:** The Mishnah teaches that when one person injures another there are five payments the assailant must make and the Mishnah elaborates on those five payments.

*(Continued on page 2)*

## REVIEW and Remember

1. Why was R' Gamliel permitted to study Greek wisdom?  
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2. How far do doves fly?  
\_\_\_\_\_
3. What are the five possible payments for injuring someone?  
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4. Why are two sources needed to teach that the phrase **עין תחת עין** is not meant literally?  
\_\_\_\_\_

## Distinctive INSIGHT

### *Calculating the payment for pain— צער*

אומדין כמה אדם כיוצא בזה רוצה ליטול להיות מצטער כך

**T**he Mishnah at the beginning of the perek discusses how values are determined for the monetary damages incurred for injuring another person. Rashi explains that **צער**/pain is determined subjectively, by evaluating the particular person affected and his sensitivities. The more sensitive the person is, the greater would be his perceived degree of pain. Tosafos Yom Tov explains that, nevertheless, the Mishnah did not outright report that the pain is determined "relative to each person", because this might have referred to the measure listed in the Mishnah earlier, regarding damage (**נוק**), where we consider the person as if he would be a slave for sale. Rather, the Mishnah uses a different terminology to clearly indicate that pain is judged subjectively.

Rashash explains that it seems from Rashi that we do not evaluate the person himself and how much he would have paid to avoid this pain. If this was the case, Rashi would have had to mention that we take into consideration whether the victim is more wealthy or less so. It seems, therefore, that we still use the standard of a slave, and we determine how much a master would pay to spare his slave the anguish of suffering this pain.

Rambam (Chovel u'Mazil 2:9) does combine two factors in arriving at a payment amount for pain. First of all, we evaluate the victim to see how sensitive he is, as Rashi mentions. Then, we look to see if this person is wealthy or poor. A wealthy person has the funds and would be willing to pay more to avoid pain, whereas a less wealthy person would not be able to spend money that he does not have, even if he is threatened with pain. Mishne L'Melech explains that Rambam learns that both of these factors are included in our Mishnah's guideline to evaluate a person "**כיוצא בו**—just as this person is".

R' Chaim on Rambam explains the dispute between Rashi and Rambam. Rashi understands that evaluating pain is done generally "as a slave in the market" just like the other categories of payment for damages to a person. However, in regard to pain we add a personal factor of the sensitivities of the victim. The person's financial position is not a factor in this regard. Rambam holds that we focus on the individual himself, so it is appropriate to factor in his personal financial status. ■

# HALACHAH Highlight

## Owning a dog for security purposes

תנו רבנן לא יגדל אדם את הכלב אלא אם כן קשור בשלשלת

The rabbis taught: A person should not raise a dog unless it is restrained by a chain

The residents of Abu Gosh asked the author of Teshuvos Ateres Paz<sup>1</sup> whether, despite the restriction against raising dogs, they would be permitted to keep dogs in their yards for security purposes. Since they lived so close to Arab settlements, there was great concern for terrorist attacks and dogs would be helpful to keep them safe. He began his response by commenting on the topic of dog ownership in general. He writes that as a general matter one should not raise a dog if it serves no real purpose but when it serves the purpose of providing security it is permitted under the following conditions. The dog must be trained that it should not bark at every stranger that approaches because a dog that barks at every stranger is considered dangerous רע כלב—which one is not permitted to own. It is also necessary for the dog to be attached to a chain, remain in the yard throughout the daylight hours, and a sign should be affixed to the outside of the fence informing people that there is a dog in the yard so they will not become unnecessarily frightened.

When nighttime arrives, and it is after the time that one no longer expects visitors to come unexpectedly, it is permitted to release the dog from the chain so that it should be free

# STORIES Off the Daf

## Five damages

חמשה דברים

There are sometimes bochurim learning in yeshiva that might not really have the initiative to learn. Bochurim of this sort often try to stay in the background and dream away their days. There are many ways to discern and correct such a problem. Perhaps the most direct method is to test the boys. This often shows exactly where they are holding, especially if the questions are asked individually.

The Shinover Rebbe, zt"l, would test the bochurim in his yeshiva himself to see if they were up to par. Once, the

rebbe encountered a certain young man whom he suspected needed a good talking-to. The boy came from a prominent family and didn't feel obligated to exert himself in the slightest to attain mastery in the gemara. The rebbe knew that this boy was nonchalant and understood that if his suspicions were correct, he would do what he could to uproot such laziness and arrogance.

When the young man came in for his private test, the rebbe decided to ask a very simple question to determine once and for all if the boy was learning even the slightest amount of the Gemara in פרק החובל with which the entire yeshiva was occupied. If the boy who knew he was to be tested hadn't bothered to prepare even the Mishnah, clearly he was not learning a word.

The rebbe began, "So tell me, can you explain the five types of payments that one who strikes his fellow man must pay?"

The boy clearly had no idea.

The rebbe looked at him in a marked manner and then said, "Let me explain them to you. 'Nezek' refers to the damage you cause—every wasted day sitting without learning; 'tza'ar' is the pain this causes me; 'ripui' alludes to the fact that you must heal this wrong by doing true teshuvah."

At this point the rebbe raised his hands to heaven and cried, "Sheves'—you are sitting around doing nothing..." Then he thundered, "Boshes'—you should be ashamed of yourself!"<sup>1</sup> ■

1. מעשה אבות ח"א ע' ק"מ

(Overview. Continued from page 1)

## 5) Damages – נזק

A Baraisa is cited that provides the source for the "damages" payment.

The exact pasuk used to make the comparison between injuring an animal and injuring a person is identified.

This exposition is unsuccessfully challenged.

The Gemara explains why it was necessary for the Gemara to identify a second source for the "damages" payment.

The second proof mentioned in the Baraisa for the "damages" payment is unsuccessfully challenged.

The necessity for the first exposition once we have the second exposition is explained.

Another Baraisa is cited that expounds on the meaning of the phrase עין תחת עין

The logic of the Baraisa is unsuccessfully challenged. ■

to roam around the yard. One must be very diligent that the gate should be closed so that the dog is contained and cannot escape from the yard and injure or even scare pedestrians. All that is allowed is for the dog to be free to attack an intruder who enters the property without permission. These guidelines apply when there is no tangible threat to life (שאינן סכנת נפשות ממש), but when there is a real threat from terrorists and the like it is certainly permitted to do whatever takes to keep people safe, even to allow the dog to roam about during the day, as long as it will not be a danger to the citizens of the town. ■

1. שו"ת עטרת פז חלק ראשון כרך ג' חו"מ סי' ח' ■