

Would a Person be Chayav for Causing a Cell Phone to Vibrate, Fall and Break?

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Question: Yaakov and Yehuda are friends who enjoy playing pranks on each other. One day, Yaakov put down his cell phone on the edge of a table. Yehuda noticed this and called the phone, causing it to vibrate and fall off the table. It hit the ground and the screen shattered. Is Yehuda liable to pay for the damages?

Answer: The question is if Yehuda is considered to have done a *maisoh*. If he didn't do any *maisoh*, it would be a *grama* and he would be *potur* in *dinei odom* and *chayav* in *dinei Shomayim*. If he did do a *maisoh*, he would be *chayav* as an *odom hamazik*.

When someone calls a cell phone, radio waves are transmitted from the caller's phone to a phone tower and then to the receiving phone's antenna. If the phone is set to vibrate, the incoming waves cause it to shake, which is what knocked the phone off the table. Is this considered a *maisoh*?

The Gemara speaks about a case where a chicken stuck its head into a pot and made a loud noise, which caused the pot to break. The chicken never touched the pot. All it did was transmit soundwaves, which broke the pot. The Gemara says that the owner of the chicken is obligated to pay for the broken pot. We see from this Gemara that *kocho* does not necessarily mean throwing an object and breaking it that way; rather, any force – even a soundwave – is considered *kocho*.

Accordingly, creating a radio wave would also be considered *kocho*. If the wave that a person creates by pushing a button on his phone hits something and damages it, the one who created the wave would, therefore, be obligated to pay as an *odom hamazik*.