



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Kamma Daf Pey Zayin

MISHNA

- The chumros of a person who is mazik versus an ox that is mazik is that a person pays for nezek, tzaar, ripuy, sheves, and boshes, and would pay for the value of the fetus if he caused a miscarriage, whereas an ox that is mazik only pays for nezek and would not pay for the value of a fetus.
- A person who hits his parent but does not make a wound, or someone who causes a wound to another person on Yom Kippur, is chayuv for all 5 payments.
- A person who wounds an eved ivri is chayuv in all 5 payments, except if he is the master of the eved ivri, he is not chayuv to pay for sheves.
- A person who wounds an eved Knaani that belongs to someone else, is chayuv for all 5 payments. **R' Yehuda** says a slave does not get paid for boshes.
- With regard to a cheireish, shoteh, and katan, dealing with them is bad, because one who injures them is chayuv, but if they injure somebody else, they are patur.
 - With regard to an eved Knaani and a woman, dealing with them is bad, because one who injures them is chayuv, but if they injure somebody else, they are patur, except that they do pay later on. Meaning, if the woman gets divorced or the slave is freed, they would be chayuv to pay then.
- A person who hits a parent and causes a wound, and one who causes a wound to another person on Shabbos, is patur from any payment, because he is chayuv misah.
 - A person who wounds his own eved Knaani is also patur from any payment.

GEMARA

- **R' Elazar** asked **Rav**, what is the halacha if one injures the minor daughter of another man? Who would get the payment? Do we say that since the Torah gives all the gain of a naarah to her father, the payment for injury would go to him as well, since the injury depreciates her value, which belongs to him, or do we say that he gets her gains because he has the right to marry her off to a disgusting man. However, since he does not have the right to injure her, he does not get the money from her injury? **Rav** said, the Torah only gave him rights to her gains, not her money for injury.
 - **Q:** Our Mishna said that if the owner of the eved ivri damaged him, he does not pay for sheves, because that belongs to him anyway. Now, based on this, since the father has rights to his daughter's wages he should get the payment for her sheves!? **A: Abaye** said, **Rav** would agree that with regard to sheves the father would get the payment.
 - **Q:** A Braisa says, if one injures his adult son, he must give him the money immediately. If he injures his minor son, he must put the money in a trust for him. If one injures his minor daughter he is patur. Not only that, but if others injure her they are chayuv to pay the money to the father!? **A:** This too is referring to the payment for sheves.
 - **Q:** A Braisa says, if someone injures someone else's adult son or daughter, he must pay them immediately. If they are minors, he must put the money in a trust. If one injures his own son or daughter, he is patur. This contradicts the last Braisa!? **A:** The second Braisa is discussing where the children are financially dependent on the father, and the first Braisa is discussing where they are not.
 - **Q:** If the first Braisa is discussing where the children are not dependent on the father, why is it that if someone else injures the minor daughter he gives the money to the father? She needs the money for her own support and should therefore be entitled to the money!? **A:** The money

that goes to the father is money in excess of what she needs to support herself, as **Rava the son of Ulla** says elsewhere.

- **Q:** If the second Braisa is discussing where they are dependent on the father, why is it that when one injures an adult son he gives the money to the son, and when he injures a minor son he puts it in a trust? In both these cases he should give the money to the boy's father!?
A: The father allows his son to take these financial windfalls that don't cause the father any financial loss.
 - **Q:** We find that a father minds if his son were to keep a find that he found, although that did not cause the father any loss!?
A: The father doesn't mind if the payment is a windfall and it comes because of pain suffered by the child. However, when it comes without pain to the child, he does not want the child to keep it.
 - **Q:** Why is it that he doesn't want his daughter to keep the money that comes to her as a windfall and came to her through pain?
A: In that case we are dealing with a father who does not even support his children. Such a father doesn't want his children to keep anything, even if it came to them through pain. In the other Braisa we are dealing with a more generous father, who supports his children. Such a father doesn't mind for his children to keep money that came to them through pain.
- **Q:** What is meant when the Braisa says to put the money "in a trust"?
A: **R' Chisda** said, it means the money should be used to buy a Sefer Torah for the child to learn from. **Rabbah bar R' Huna** said, the money is used to buy a palm tree from which the child can eat the fruit.
- **Reish Lakish** also said that the Torah only gave a father the right to his daughter's gains, not payment for her injury. **R' Yochanan** said the father even gets payment for her wound.
 - **Q:** Can it be that **R' Yochanan** gives him the money for her *wound*? Even **R' Elazar** only asked about his getting the money for her injury which depreciates her value, not for a simple wound!?
A: **R' Yose bar Chanina** said, **R' Yochanan** refers to where she got a wound to her face, which depreciates her value.