



#### בס"ד Intro

Today we will Be"H learn מסכת בבא קמא of דף פ"ז. Some of the topics we will learn about include:

#### חבלות אדם ושור

The Mishnah contrasts the compensation paid when a person injures another person or when one's ox injures a person.

#### החובל בעבד

The Mishnah discusses one's liability for injuring a slave. This may depend whether he injured עבד עברי, a Jewish slave, or עבד כנעני, a non-Jewish slave; and whether he, it was his slave, or של אחרים, someone else's slave.

#### קם ליה בדרבה מיניה

One is exempt from paying monetary compensation for an act for which he is also liable for the death penalty. The Gemara differentiates regarding , one who strikes his parent, whether עשה בהן חבורה, he wounded them, and therefore is liable for the death penalty, or , he did not wound them, and he is not liable.

We similarly differentiate between החיבל ביום הכיפורים, when he is only חייב כרת, and חייב מיתה, when he is חייב מיתה.

#### החובל בבניו

children. This depends whether חב, if it was his minor daughter, and he is entitled to her earnings, or not; גדולים או קטנים, they are adults or minors; שמובין על שלחנו, whether he supports them; and קפיד, whether he is begrudges them money he is entitled to take.

The Gemara discusses one's liability for injuring his own









בס"ד

So let's review:

Zugt di Mishnah
זה חומר באדם מבשור
A person who injures another person is treated more stringently than an ox that injures a person;
שהאדם משלם נזק צער ריפוי שבת ובושת
ומשלם דמי ולדות
Because a person pays five forms of compensation, and is

Because a person pays five forms of compensation, and i liable for causing a woman to miscarry; ושור אינו משלם

אלא נזק

ופטור מדמי ולדות

The owner of the ox is only liable for the actual damages, and is exempt for causing a woman to miscarry.

The Mishnah continues We have a principle קם ליה בדרבה מיניה

One is exempt from paying monetary compensation for an act for which he is also liable for the death penalty.

However, המכה את אביו ואת אמו ולא עשה בהן חבורה

If someone strikes their parent, but does NOT cause a wound, and therefore is NOT liable for the death penalty; or וחובל בחבירו ביום הכפורים

Someone who wounds another person on יום ביפור, and is therefore only liable for ברת;

חייב בכולן

Is liable for all five forms of compensation, because קם ליה does not apply;

The Mishnah continues החובל בעבד עברי חייב בכולם One pays all forms of compensation for injuring a Jewish slave;

חוץ מן השבת בזמן שהוא שלו

But if he injures his own Jewish slave he does not compensate for loss of income, because it belongs to him.

### זה חומר באדם מבשור

A person who injures another person is treated more stringently than an ox that injures a person;

שהאדם משלם נזק צער ריפוי שבת ובושת ומשלם דמי ולדות

Because a person pays five forms of compensation, and is liable for causing a woman to miscarry;

ושור אינו משלם אלא נזק ופמור מדמי ולדות

The owner of the ox is only liable for the actual damages, and is exempt for causing a woman to miscarry.

קם אים הברבה מיניה

We have a principle that one is exempt from paying monetary compensation for an act where he is also liable for the death penalty.

However...

# המכה את אביו ואת אמו ולא עשה בהן חבורה

If someone strikes their parent, but does NOT cause a wound, and therefore is NOT liable for the death penalty;

### וחובל בחבירו ביום הכפורים

Someone who wounds another person on יום כיפור, and is therefore only liable for כרת;

# חייב בכולן

Is liable for all five forms of compensation, because קם ליה בדרבה מיניה does not apply;

# החובל בעבד עברי חייב בכולם

One pays all forms of compensation for injuring a Jewish slave;

# חוץ מן השבת בזמן שהוא שלו

But if he injures his own Jewish slave he does not compensate for loss of income, because it belongs to him.







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However,

החובל בעבד כנעני של אחרים

חייב בכולם

One who injures someone else's non-Jewish slave is liable for all forms of compensation;

רבי יהודה אומר

אין לעבדים בושת

רבי יהודה holds he is exempt, because there is no humiliation for slaves.

However,

# החובל בעבד כנעני של אחרים חייב בכולם

One who injures someone else's non-Jewish slave is liable for all forms of compensation;

רבי יהודה אומר אין לעבדים בושת

He is exempt, because there is no humiliation for slaves.

The Gemara inquires החובל בבת קטנה של אחרים Someone who injures another person's minor daughter; חבלה למי Who receives the damages?

The Gemara explains
שבת דמעשה ידיה עד שעת בגרות
דאבוה הוי
דאבוה sof income is certainly paid to her father, since he is entitled to her wages, and as our Mishnah said
החובל בעבד עברי חייב בכולם

חוץ מן השבת בזמן שהוא שלו One does not compensate his Jewish slave for loss of income, since it belongs to him.

Furthermore, פציעה דלא אפחתה מדמה דידה הויא

She certainly receives damages that do not involve permanent loss of value, since these injuries do not affect her father.

החובל בבת קטנה של אחרים

Someone who injures another person's minor daughter;

חבלה למי

Who receives the damages?

The Gemara explains...

פציעה דלא אפחתה מדמה דידה הויא

She certainly receives damages that do not involve permanent loss of value, since these injuries do not affect her father. שבת

דמעשה ידיה עד שעת בגרות דאבוה הוי

The loss of income is paid to her father, since he is entitled to her wages

As our Mishnah said

התובל בעבד עברי חייב בכולם תוץ מן השבת בזמן שהוא שלו One does not compensate his Jewish slave for loss of income, since it belongs to him.







4 Rather, the Gemara asks regarding נזק:

שפצעה בפניה

ואפחתה מכספה

If someone struck her in the face and thereby lessened her value;

חבלה דאבוה הוי

כיון דאקני ליה רחמנא

שבח נעורים

Perhaps the father receives the payments for permanent injuries, just as he is entitled to all her earnings, including money she receives as Kiddushin. Rashi adds

והרי בידו למוכרה

And since he can sell her as a maidservant, and this value was diminished due to the injury.

OR

חבלה לבת

Perhaps she keeps the damages, because

שבח נעורים הוא דאקני ליה רחמנא

דאי בעי מסר לה למוכה שחין

He is entitled to her Kiddushin only because he has the ability to marry her to whomever he wishes; However, כיון דאי בעי לתחבל בה לא מצי חביל

לא קנייה ליה רחמנא

Since he may not injure her, perhaps he is not entitled to the damages either?

Rather, the Gemara asks regarding 75)

### שפצעה בפניה ואפחתה מכספה

If someone struck her in the face and lessened her value;



Perhaps she keeps the damages...

שבת נעורים הוא דאקני ליה רתמנא דאי בעי מסר לה למוכה שתין

He is entitled to her Kiddushin as he has the ability to marry her to whomever he wishes

כיון דאי בעי לתחבל בה לא מצי חביל לא הנייה ליה רתמנא

Since he may not injure her, perhaps he is not entitled to the damages either?

חבלה לאבוה

כיון דאקני ליה רתמנא שבת נעורים

Perhaps the father receives the payments for permanent injuries, just as he is entitled to all her earnings, including money she receives as Kiddushin.

The Gemara brings a מחלוקת: and ריש לקיש and ריש לקיש and ריש לקיש hold לא זכתה התורה לאב אלא שבח נעורים בלבד He is only entitled to her earnings, and not to her damages, while הובי יוחנן maintains רבי יוחנן The father is also entitled to her damages.







The Gemara now cites two contradictory ברייתות regarding payments for , loss of income, for one who injures his own children:

One ברייתא says

החובל בבנו גדול יתן לו מיד

בבנו קטן יעשה לו סגולה

One who injures his adult son must pay him damages immediately, while for his minor son he establishes a trust, as the Gemara explains

ספר תורה

This either refers to purchasing a Sefer Torah, OR דיקלא דאכיל מיניה תמרי

A palm tree that bears fruit;

The principal is thereby safe, and he can benefit from it in the interim.

The ברייתא continues

החובל בבתו פטור

He is exempt for payments of שבת for injuring his daughter, because her income belongs to him. Furthermore, אחרים שחבלו בה חייבין ליתן לאביה

If someone else injures her, he pays the שבת to her father.

However, another ברייתא states:
החובל בבניו ובבנותיו של אחרים
גדולים יתן להם מיד
קטנים יעשה להם סגולה
If someone injures another person's children, he pays adults
immediately, and establishes a trust for minors.

However, בבניו ובבנותיו שלו

He does NOT pay damages of שבת to his own children?

The Gemara answers that the two ברייתות refer to different situations:

1.

Dedicated By: \_

The first ברייתא שריית which says החובל בבנו גדול יתן לו מיד Refers to independent children, who are אין סמוכין על שלחנו He does not support them.

Therefore, since he does not receive their earnings, he is obligated to pay them for their loss of income.

Two contradictory המיתות regarding payments for האל, loss of income, for one who injures his own החובל החובל החובל בבנו קטן בבנו גדול בבתו יתן לו מיד פטור יעשה לו Because her income סגולה The father must belongs to him. pay his son He must damages Furthermore, establishes אחרים שחבלו בה immediately a trust. תייבין ליתן לאביה By purchasing If someone else a Sefer Torah, injures her, he pays or a Palm Tree the שבת to her father. that bears fruit;











Nevertheless. בבתו קטנה פטור

The ברייתא exempts him from paying his minor daughter, although

לדידה בעי למיתב לה

דבעיא מזוני

He cannot take his daughter's earnings if he does not support her, because the ברייתא refers to העדפה

Payments beyond the amount she needs to support herself;

Nevertheless...

### בבתו קטנה פטור

The ברייתא exempts him from paying his minor daughter,

Although

# לדידה בעי למיתב לה דבעיא מזוני He cannot take his daughter's earnings

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העדפה

Payments beyond the amount she needs to support herself.

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2.

However, the second ברייתא which says החובל בבניו ובבנותיו שלו פטור Refers to dependent children, who are

סמוכים על שלחנו

He does support them.

Therefore, since he is entitled to their earnings, he does not pay שבת if he injures them.

Nevertheless, the ברייתא says

בבניו של אחרים חייב

If he injures other children, he pays them, and not their father, even though we are discussing children who are supported, because

הכא לאו גברא קפדנא הוא

דהא סמוכין על שלחנו

We are discussing a father who supports his children, and so clearly he does not begrudge his children; therefore,

כי קא קפיד במידי דקא חסר

He only demands his rights regarding a loss of capital, and therefore he is exempt from paying them שבת; Furthermore, רווחא דקאתי להו מעלמא

ולית להו צערא דגופייהו בגווה

קפיד

He also demands his due regarding any additional income, such as מציאה, if the child finds an object, as long as it does not involve her suffering. However,

חבלה דאית להו צערא דגופייהו

ומעלמא קאתי להו

לא קפיד

Dedicated By: \_

He allows her to keep unexpected earnings that involved her suffering, such as the שבת from others.



The second ברייתא which savs

### החובל בבניו ובבנותיו שלו פטור

Refers to dependent children, who are

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He does support them. Therefore, since he is entitled to their earnings, he does not pay שבת if he injures them.

### בבניו של אחרים חייב

If he injures other children, he pays them, even though we are discussing children who are supported,

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כי קא קפיד במידי דקא חסר

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Furthermore,

רוותא דקאתי להו מעלמא ולית להו צערא דגופייהו בגווה

קפיד

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חבלה דאית להו צערא דגופייהו ומעלמא קאתי להו לא קפיד

He allows her to keep unexpected earnings that involved her suffering, such as the שבת from others.







On the other hand, the first ברייתא said אחרים שחבלו בה חייבין ליתן לאביה If someone else injures her, he pays the שבת to her father, because התם דגברא קפדנא הוא דהא אין סמוכין על שלחנו The ברייתא refers to someone who does not support his children, and so clearly begrudges them; therefore, אפילו במידי דאתי להו מעלמא קפיד

Such a father always takes his due, even regarding unexpected income that involved her suffering.

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because

התם דגברא קפדנא הוא דהא אין סמוכין על שלחנו

The ברייתא refers to someone who does not support his children, and so clearly begrudges them

Therefore,

אפילו במידי דאתי להו מעלמא

Such a father always takes his due, even regarding unexpected income that involved her suffering.



