



OVERVIEW of the Daf

1) Humiliation of a blind person (cont.)

The reason R' Yehudah exempts a blind person from monetary laws is explained.

Another Baraisa is cited that presents statements from R' Yehudah concerning a blind person.

The reason R' Yehudah exempts a blind person from mitzvos is explained.

R' Yosef makes a comment regarding R' Yehudah's exemption of blind people from mitzvos.

2) MISHNAH: The Mishnah begins with a contrast between liability for an animal that injures someone and a person who injures someone. The Mishnah presents circumstances when one must pay for injuries and other cases where, due to technicalities one is exempt from paying for damages.

3) Injuring a female minor

R' Elazar asked Rav whether the father of a female minor or na'arah collects the payments if someone were to injure her.

Rav answered that the money goes to her.

Two unsuccessful challenges against Rav's position are presented.

4) Injuring one's adult children

The statement in the previous Baraisa that one who injures his son must pay immediately is challenged from another Baraisa that exempts him altogether.

The Gemara distinguishes between children who are supported by their father and those who are not.

(Continued on page 2)

REVIEW and Remember

1. What is the rationale for R' Yehudah's ruling that a blind person is exempt from mitzvos?

2. Is a married woman obligated to pay if she injures someone?

3. Does one have to pay for injuring an adult son?

4. What is done with the money that is collected when someone injures an minor?

Distinctive INSIGHT

A sefer Torah should be bought as a trust for the children

מאי סגולה? רב חסדא אמר ספר תורה

The Gemara brought a Baraisa which discussed the laws of injuries to young children. The conclusion of the Gemara was that the father himself does not have to pay for damage he causes to his own children if he is supporting them. The reason for this is due to איבה—a feeling of animosity which might surface if the father is obligated to pay for damages when he is already supporting them. If others cause damage to the child, the father does not demand that the payment be made to him. Instead, these funds are collected and put into a trust (סגולה) for the benefit of the child. What is the nature of this סגולה? Rav Chisda explains that a sefer Torah should be purchased with the money. Raba bar Rav Huna suggests that the “trust” purchased for the children should be a palm tree. Rashbam (Bava Basra 52a) explains that these items both have benefit for now, and their principal remains intact for them for the future. Either way, it is not permitted to invest the child's money in a business venture, due to the risk that the money might be lost. Toras Chaim explains that this trust is called a סגולה which refers to a secure way of guaranteeing that the money will remain intact. In Shemos 19:5 the Torah calls the Jewish nation an עם אוצר חביב—א סגולה, where Rashi explains it to mean “cherished treasure.” Here, too, it refers to a secure investment which will be here later when the children grow.

Ritva writes that according to Rav Chisda it is not necessary to specifically purchase a sefer Torah, as any sifrei kodesh would serve this purpose. Chasam Sofer holds that the suggestion of Rav Chisda to buy a sefer Torah must be adhered to. In a certain regard, the suggestion of Raba bar Rav Huna to buy a palm tree with the children's funds is a wise choice, because the children can resell it if they later decide to do so. A sefer Torah, though, has tight restrictions regarding its resale, as it can only be sold to purchase an item with a higher level of kedusha, and buyers are rare. Nevertheless, Rav Chisda suggests buying a sefer Torah because the children can fulfill the mitzvah of writing a sefer Torah. Ta”z (ibid. ‘סעיף ז’) rules that although a father has an obligation to buy a sefer Torah from which his son can learn Torah, nevertheless, the father may discharge his obligation with the Torah purchased from these funds paid by others. ■

HALACHAH Highlight

A woman reciting havdalah for herself

הוה אמינא מאן דאמר וכי סומא פטור מן המצוות

I thought that if someone were to say etc. a blind person is exempt from mitzvos

Tosafos¹ cites our Gemara to prove that women are allowed to make a beracha even on a positive time bound mitzvah. R' Yosef relates that his initial thinking was that if someone were to tell him that blind people are exempt from mitzvos he would make a Yom Tov to celebrate that he's not obligated to perform mitzvos and he fulfills them nonetheless. If it were true, infers Tosafos, that one who is exempt from a mitzvah may not recite the beracha when fulfilling that mitzvah, why would R' Yosef make a Yom Tov, since he would not be permitted to make the beracha on the mitzvah? This position is codified in Rema² where he writes that the custom is that women recite berachos on positive time bound mitzvos.

Rema³ rules that a woman should not make havdalah for herself and she should hear it recited by a man since there is an opinion that maintains that women are not obligated in the recitation of havdalah. Bach⁴ questions Rema's ruling regarding Havdalah since Rema ruled that women can voluntarily fulfill positive time bound mitzvos and recite a beracha on those mitzvos as well. Magen Avrohom⁵ answers that there is a difference between positive time-bound mitzvos that involve an activity and positive time bound mitzvos that involve nothing more than the beracha itself. The custom that women fulfill and make a beracha on positive time bound mitzvos is limited to mitzvos that involve an activity but those mitzvos that only involve a beracha, women do not fulfill. Erech

(Overview. Continued from page 1)

The explanation that the first Baraisa refers to a case of children who are not supported by their father is unsuccessfully challenged.

The explanation that the second Baraisa refers to a case of children who are supported by their father is unsuccessfully challenged.

Two different explanations are given for the definition of the trust into which the money will be placed.

5) Injuring a female minor (cont.)

Reish Lakish and R' Yochanan disagree whether a father collects the money for his injured daughter who is a minor or a na'arah.

A challenge against R' Yochanan's statement is presented. ■

Hashulchan⁶ questions Magen Avrohom's explanation from our Gemara. According to Magen Avrohom, it would emerge that at this point in the Gemara that R' Yosef would not have been able to recite kiddush and Havdalah, which he considered to be an untenable position.

Practically, Mishnah Berurah⁷ rules that if there is an adult male to recite havdalah a woman should listen to his recitation of havdalah since there is the additional custom that women do not drink havdalah wine, but in the event that there are no adult males to recite havdalah she should recite the havdalah in order that she should not lose out on the mitzvah. ■

1. תוס' ר"ה ל"ג ד"ה הא ר' יהודה
2. רמ"א אר"ח סי' י"ז סע' ב'
3. רמ"א אר"ח סי' רצ"ו סע' ח'
4. ב"ח אר"ח סי' רצ"ו
5. מג"א שם סי' י"א
6. ערך השלחן שם סק"ג
7. מ"ב שם ס"ק ל"ה ■

STORIES Off the Daf

Encounters with the wealthy

פגיעתן רע

The Beis Halevi, zt"l, was notoriously uninterested in honoring the wealthy members of his community, many of whom felt themselves much better than the poor and downtrodden of the town.

One wealthy man confronted the Beis Halevi about his unusual conduct towards the patrons of the town.

He protested, "I simply cannot un-

derstand this strange behavior. Does not the Gemara say that Rabbi honored the wealthy?"

The Beis Halevi answered, "I am afraid you have failed to grasp the depth of the Gemara. It is well known that in the eyes of the world, a poor person who dares to act as an equal to a wealthy man is considered brazen—and the same is true regarding a poor man who speaks harshly to a wealthy person. But if a wealthy man acts unkindly to someone 'beneath his august station,' there is nothing wrong at all. It emerges

from this that a wealthy man may insult or degrade a poor person, but must himself be treated with respect and may not be trifled with. This means that when Rebbe arranged the mishnayos, he should have mentioned wealthy people in the mishnah which states that the one loses from encounters with minors and lunatics. Similar to them, a wealthy man may damage but may not be insulted back."

The Beis Halevi concluded, "Rebbi honored the wealthy by not mentioning them explicitly!" ■

עובדות והנהגות לבית בריסק חלק ב' ע' שי"ד