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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Another [Baraisa] taught: Rabbi Yehudah says: ‘A blind person is not subject to [the law of] embarrassment. So also did Rabbi Yehudah exempt him from all commandments stated in the Torah.

Rav Shisha the son of Rav Idi said: The reason of Rabbi Yehudah was because verse states: Now this is the commandment, the statutes and the laws; he who is subject to the ‘laws’ is subject to ‘commandments’ and ‘statutes’, but he who is not subject to ‘laws’ is not subject to ‘commandments’ and ‘statutes’.

Rav Yosef stated: Formerly I used to say: If someone would tell me that the halachah is in accordance with Rabbi Yehudah who declared that a blind person is exempt from the commandments, I would make a festive occasion for our Rabbis, because though I am not obligated I still perform commandments, but now that I have heard the statement of Rabbi Chanina, as Rabbi Chanina indeed said that greater is the reward of those who are commanded to do [good deeds] than of those who without being commanded [but merely of their own free will] do [good deeds], if someone would tell me that the halachah is not in accordance with Rabbi Yehudah I would make a festive occasion for our Rabbis, because if I am obligated to perform commandments the reward will be greater for me. (87a1)

MISHNAH: On this [point] the law for man is stricter than the law for an ox, viz., that man has to pay for depreciation, pain, healing, loss of work and embarrassment; and he pays also for the value of the fetus, whereas in the case of an ox there is no payment for anything but depreciation, and there is exemption from [paying] the value of the fetus.

One who strikes his father and his mother without, however, wounding them, or one who injured his fellow on Yom Kippur is liable for all [the five items]. One who injures a Hebrew servant is similarly liable for all of them, with the exception, however, of loss of work if he is his own slave. One who injures a Canaanite slave belonging to another person is [similarly] liable for all [the five items]. Rabbi Yehudah, however, says that no embarrassment is paid in the case of [Canaanite] slaves.

Regarding a deaf-mute, a deranged person and a minor – their contact is bad, as he who injures them is liable [to pay], whereas if they injure others they are exempt. [So also] regarding a slave and a [married] woman - their contact is bad, as he who injures them is liable [to pay], whereas if they injure others they are exempt, though they will be required to pay at a later date; for if the woman was divorced or the slave emancipated, they would be liable to pay.

He who smites His father or his mother, wounding them, or he who injures another on the Shabbos is exempt from all [the five items], for he is punished with losing his life. [So also] he who injures a Canaanite slave of his own is exempt from all [the items]. (87a2 – 87a3)

Rabbi Elazar inquired of Rav: If one injures a minor daughter of another person, to whom should [the payment for] the injury go? Shall we say that since the Merciful One bestowed upon the father [the right to] the income of [his daughter during the days of] naa’rus, the payment for an injury should also be his, the reason being that her value was surely decreased [by the injury], or [shall we say that it was] perhaps only the income of na’arus that the Merciful One granted him, since if he wishes to hand her over [in marriage

e.g.,] to one afflicted with tzara'as he could hand her over, whereas the payment for injury might not have been granted to him by the Merciful One, since if he wishes to injure her he would not have had the right to injure her? — He replied: The Torah did not bestow upon the father [any right] except to the income of na'arus alone.

An objection was raised [from our Mishnah]: One who injures a Hebrew servant is similarly liable for all of them, with the exception, however, of loss of work if he is his own slave. — Abaye replied: Rav surely agrees regarding the item of loss of work, as her earnings during the period of bagrus belongs to her father.

A [further] objection was raised [from the following Baraisa]: If one injures his son who has already come of age he must compensate him straight away, but if his son was still a minor he must make for him a safe investment [out of the compensation money], while he who injures his minor daughter is exempt, and what is more, if others injure her they are liable to pay the compensation to her father. — The rulings here similarly refer to loss of work.¹

The Gemara asks: Is it really a fact that in the case of a son who has already come of age the father must compensate him straight away? [If so,] a contradiction could be pointed out [from the following Baraisa:] If one injures the sons and daughters of others, if they have already come of age, he must pay them straight away, but if they are still minors he should make for them a safe investment [out of the compensation money], whereas where the sons and daughters were his own, he would be exempt [altogether]! — It may, however, be said that there is no difficulty, as the ruling here [stating exemption] refers to a case where the children still are dependent on the father's table, whereas the ruling there deals with a case where they are not dependent on his table. - But how could you explain the former teaching to refer to a case where they are not dependent on his table? For if so, read the concluding clause: Whereas he who injures his minor daughter is exempt, and

¹ For which all agree that payment must be made to the father.

what is more, even others who injure her are liable to pay the compensation to her father. Why not pay her, since she must maintain herself? For even according to the view that a master may say to his slave, "Work for me though I am not prepared to sustain you," surely this applies only to a Canaanite slave to whom the master can say, "Do your work during the day and in the evenings you can go out and look about for food," whereas in the case of a Hebrew servant in connection with whom it is written: Because it is good for him with you, implying 'with you in food and with you in drink', this could certainly not be maintained; how much the more so then in the case of his own daughter? — As stated [in another connection] by Rava the son of Rav Ulla, that the ruling applies only to the surplus [of the amount of her earnings over the cost of maintenance], so also here in this case this ruling applies only to the surplus [of the amount of compensation over the cost of maintenance].

You have then explained the latter statement [that there is exemption in the case of his own children] as dealing with a case where the children are dependent on his table. Why then [in the case of children of other people] is it stated that 'if they had already come of age he has to pay them straight away, but if they were still minors he should make for them a safe investment [out of the compensation money]? Why should the compensation not be made to their father? — It may, however, be said that the father would be particular only in a matter which would cause him a loss, whereas in regard to a profit coming from outside, he would not mind [it going to the children]. - But what about a found object, which is similarly a profit coming from outside, and the father still is particular about it? — It may be said that he is particular even about a profit which comes from outside provided no actual pain was caused to the children through it, whereas in the matter of compensation for injury where the children suffered actual pain and where the profit comes from outside he does not mind. – But what of the other case where the daughter suffered actual pain and where there was a profit coming from outside and the father nevertheless was particular about it as stated: 'What is

more, even others who injure her are liable to pay the compensation to her father? — It may still be said that it was only in that case, where the father was a begrudging person, where his children are not dependent on his table that he could be expected to care for the matter of profit coming even from outside, whereas in the case here, where he was not a begrudging person, as his children are dependent on his table it is only regarding a matter which would cause him a loss that he would be particular, but he would not mind about a matter of profit coming from outside.

What is meant by 'a safe investment'? — Rav Chisda said: [To buy] a Torah scroll. Rabbah son of Rav Huna said: [To buy] a palm tree, from which he gets a profit in the shape of dates. (87a3 – 87b4)

Rish Lakish similarly said that the Torah did not bestow upon the father any right save to the income of na'arus alone. Rabbi Yochanan however said: 'Even regarding wounding.' How can you think about wounding? Even Rabbi Elazar did not raise a question except regarding an injury through which her value is decreased, whereas regarding mere wounding, through which her value would not [usually] decrease there was never any question [that the compensation would not go to the father. How then could Rabbi Yochanan speak of mere wounding?] — Rabbi Yosi ben Chanina replied: We suppose the wound to have been made in her face, thus causing her value to be decreased. (87b4 – 88a1)

DAILY MASHAL

Rabbi Chanina indeed said that greater is the reward of those who are commanded to do [good deeds] than of those who without being commanded [but merely of their own free will] do [good deeds].

The reason for there being greater merit in doing that which is commanded than for doing that which is not commanded is psychologically sound. It is common to the free willed

humans to resist anything that they are commanded to do. They would more readily do it on their own than do it when told to do so. Simply put, the human does not like being told what to do.

On the other hand, self-motivated acts are done with greater enthusiasm and commitment. Therefore, there is greater merit in doing commanded Mitzvos where the natural reluctance to do so must be overcome than there is in doing voluntary Mitzvos that are driven by self-motivation and enthusiasm.