



(2024 בַּבָא בָּתְרָא קנ״ט־קס״ה | שַׁבָּת פְּרָשַׁת תוֹלְדוֹת | ל׳ חֶשְׁוֹן — ו׳ כִּסְלֵו תשפ״ה (1־7 דֶּעֶּמְבֶּר 2024) Seder Nezikin | Masechet Bava Batra 159-165 | Shabbat Parashat VaYetzei | 30 Cheshvan-6 Kislev (December 1-7)

הלימוד להצלחת חיילי צה"ל, רפואת הפצועים והשבת כל אחינו לביתם בביטחון

This learning is dedicated to the success of IDF soldiers, the healing of the injured, and the safe return of all our brothers and sisters to their home



Our brethren, from among the entire Jewish People who are in distress and captivity, whether they be on the sea or dry land, May God have mercy on them, and bring them from distress to comfort, and from darkness to light, and from slavery to redemption, now, swiftly, and soon.

And let us say: Amen.





Daf 159: THE THIEF WHO SIGNED A DOCUMENT

ַדַּף קנ״ט: הַגַּנָב שִׁחָתוּם עַל שִׁטַר

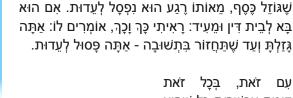
עַל פִּי דִין תוֹרָה **גַּזְלָן פָּסוּל לְעַדוּת.** כְּלוֹמַר: אָדָם



According to *Din Torah*, **a thief is disqualified from being a witness.** From the moment a person steals money, he is disqualified from testifying. If he were to go to the *Beit Din* and testify, "I say such and such," he is told: "You are a thief. Until you do *teshuva* (repent), you are disqualified from giving testimony." It makes no difference whether the person is

coming to testify about an incident that took place after he stole, or even if the person seeks to provide testimony about an incident that took place before he became a thief. If that individual had already stolen at the time of the testimony, that person is disqualified.

Nevertheless, some possibility does exist for the testimony of a thief to be accepted. In the case of a person who signed a document and only afterward stole, it is permissible to use the document with the thief's signature as proof of what is written in the document, even though at that very moment he is disqualified from offering oral testimony.







Daf 160: A WIFE'S PROPERTY, FROM WHICH A HUSBAND BENEFITS

דף ק"ם: נְכְסֵי מְלוּג



פַּסוּל לְעֵדוּת.

Nichsei Melug are assets that belong to a married woman. When a married woman inherits land from her father, that land belongs to her. However, *Chachamim* stipulated that as long as she remains married, her husband retains rights pertaining to that asset. For example: The husband may rent the property and receive money for the rental, or work the land and keep the produce that grows on it. Should the husband die, or if they get divorced, the land reverts to the wife's full ownership.

What is the meaning of the words "nichsei melug"? "Melug" is an Aramaic word meaning "tearing off" or "plucking." For example, the activity of plucking the hairs from the head of an animal is called "meligat ha'rosh" (plucking of the head.) According to this explanation, "nichsei melug" are assets belonging to the wife the profits of which are "plucked" from her and given to her husband.



נְרָסֵי מְלוּג הֵם נְכָסִים שֶׁל אִישָּׁה נְשׂוּאָה אִישָּה נְשׂוּאָה שֶּיֶרְשָׁה מֵאָבִיהָ קַרְקַע, הַקַּרְקַע שַּיֶּכֶת לָהּ, אֲבָל חֲכָמִים תִּיקְנוּ שֶׁכָּל עוֹד הִיא נְשׂוּאָה יֵשׁ לְבַעְלָהּ זְכוּיּוֹת בַּנֶּכֶס. כְּגוֹן: הַבַּעַל יָכוֹל לְהַשְׂכִּיר אֶת הַקַּרְקַע וּלְקַבֵּל אֶת כֶּסֶף הַשְּׂכִירוּת. אִם הַבַּעַל מֵת אוֹ שֶׁהֵם מִתְגָּרְשִׁים, הַקַּרְקַע חוֹזֵרֵת לְבַעֵלוּת מִלְאֵה שֵׁל הַאִישַׁה.

"מְלוּג" הָיא מִילָּה אֲרָמִית שֶׁפֵּירוּשָׁהּ "מְלִישָׁת "תְּלִישָׁה", "לְתָלוֹש". לְמָשָׁל, הַפְּעוּלָּה שֶׁל תְּלִישַׁת שְׁעָרוֹת מֵרֹאשׁ הַבְּהֵמֶה מְכוּנָּה "מְלִיגַת הָרֹאשׁ". לְפִי זֶה הַהֶּסְבֵּר הוּא כִּי "נִכְסֵי מְלוּג" הֵם נְכָסִים שֶׁשַּיָּכִים לָאִישָּׁה, אַךְ הָרְוָחִים נִתְלָשִׁים, נִלְקָחִים מִן הָאִישָׁה, וְשַׂיָכִים גַּם לַבַּעַל.

Daf 161: AN ORDINARY DOCUMENT

דף קס"א: גַט בְּשׁוּט



A "get" commonly refers to a divorce document. But the Ba'alei HaTosafot (medieval Talmudic commentators) explain that, in the language of Chazal, other types of documents (e.g., promissory notes) are referred to as "gittin" (plural of get).

What constitutes a "Get Pashut"? Is there a document that is not considered "ordinary"? For example, there is a type of document which, while being written is folded, and then the ends are sewn closed. In contrast, a regular document is written and witnesses sign on one side of the paper.

There were Amoraim who, when asked to sign as witnesses on a document, would draw a special symbol instead of signing their names. For example: Rav would draw a picture of a fish; Rabbi Hanina drew an image of a palm tree; Rava Bar Rav Huna drew the sail of a ship. Even though they did not write their names, these drawings served as signatures, since everyone recognized the images.

גט הוּא שָׁטר גירוּשׁין, בּעַלי התּוֹספוֹת מסָבּירים שׁבּשִּׁפת חַז"ל גם שטרות נוֹספים, כָּגוֹן שטרי חוֹב, מְכוּנִים גִּיטין.

מַהוּ "גַּט **פַשׁוּט**", וְכִי יֵשׁ שָׁטַר שָׁאֵינוֹ פַּשׁוּט? יֵשׁ סוּג שָׁטַר שַׁתּוֹךְ כָּדִי הכָּתִיבה מַקפָּלִים אוֹתוֹ וְתוֹפָרִים אוֹתוֹ. לְעוּמת זאת, בַּשָּׁטַר פַּשוּט, שָּׁטַר רַגִּיל, כּוֹתְבִים אֶת הַשְּּטַר וָהַעֶדִים חוֹתִמִים, כַּרָגִיל, בְּצֵד אֱחַד שֵׁל הַנִּיַר.

> הַיו אַמוֹרַאִים שֶׁכַּאַשֵּׁר בִּיקשוּ מהם לחתום כעדים על שטר הֶם רַשָּׁמוּ סִימַן מִיוּחַד בְּמִקוֹם לַחָתּוֹם בִּשָּׁמֵם. כָּגוֹן: רַב הַיַה רוֹשֵׁם צִיּוּר שֶׁל דָּג; רַבִּי חֲנִינָא רַשַּׁם צִיּוּר שֵׁל דֵּקֵל; רַבַא בַּר רַב הוּנַא רַשָּׁם צִיוּר שֵׁל תּוֹרֶן סְפִינַה. אף עַל פִּי שָׁהֵם לֹא כַּתָבוּ אֵת שָׁמַם צִיוּר זֶה מוֹעִיל בָּתוֹר חֲתִימַה, כִּי הַכֹּל יַדְעוּ שַׁזּוֹהִי חֶתִימַתַם.

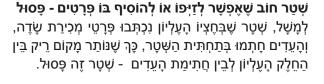


🗪 Daf 162: A REGULATION TO PREVENT LYING ON DOCUMENTS אַלְבִיעַת שָׁקָרִים בְּשָׁטַרוֹת 💽



A shtar chov (promissory note) is invalid when it is possible to forge it or add items into it. For example, a document would be invalid if the upper portion contained the details of the sale of a field and the lower portion had the signatures of witnesses, but there was also a large empty space in between, where something could have been added after the document was signed.

Why? Because the buyer could add in that after three years the seller must refund half of the payment, or the like. The Beit Din would have no choice but to believe the buyer, since the witnesses' signatures remained on the bottom of the document. To prevent such complications, Chazal ruled that if there is a space of two lines between the provisions/ contents and the signatures of the witnesses, the document is invalid. However, if there is one line of empty space, the document remains valid because it is very hard for the witnesses to be accurate and write their signatures so close to the body of the document.





מדוּע? מפּני שַׁהקוֹנֵה שַׁמַחָזיק אַת השָּׁטַר יַכוֹל לָהוֹסִיף בּוֹ כָּכֵל הַעוֹלֵה עַל רוּחוֹ, לְפִיכָרְ הוֹרוּ חֵזַ"ל: אם יַשׁ מַרחַק שַׁל שָׁתּי שורות חלקות בין האמור בַּשָּׁטַר לַחֲתִימַת הַעֶּדִים - **השָּׁטַר פַּסוּל.** אוּלַם שוּרַה אחַת חֵלַקַה אֵפְשַׁר ַלְהוֹתִיר, כִּי קָשֶׁה מְאוֹד לַעַדִים לְדַיֵּק לְקָרֵב אֵת חַתִּימוֹתֵיהֵם כַּל כַּךְ.



Daf 163: FAITHFULLY SERVING THE PUBLIC

דף קס"ג: העיסוק בצורכי ציבור באמונה 🔷

In the Babylonian Talmud, many Amoraic statements and halachot are mentioned as having been sent from Eretz Yisrael. When talmidei chachachim in Babylonia learned such teachings, they would say: "Shalchu mi'tam" (sent from there, i.e., Eretz Yisrael).

In Masechet Sanhedrin, it says that the source of all these word-of-mouth teachings is Rabbi Elazar. In one such teaching, Rabbi Elazar stated that it is preferable to engage in Torah study with a group of people because when many people learn together the words are best understood. Rabbi Elazar was appointed

to the position of "Parnas" (the person responsible for

providing for the needy from

charitable funds).

פּעַמים רבּוֹת מוּבַאוֹת בּתּלְמוּד הבּבָלי אמְרוֹת והַלַכוֹת שָׁנִשְׁלְחוּ מאַבץ יִשִּׂרָאַל. כַּאֲשֶׁר הַיוּ תַּלְמִידֵי הַחֶּכָמִים בְּבַבֵּל לוֹמְדִים שָׁמוּעוֹת אלו, פתחו ואמרו: "שלחו מתם" - שלחו משם, מארץ ישראל.

> בָּמַסֶּכֶת סַנָהֶדְרִין נָאֱמֵר שָׁבַּעַל כַּל ָהַשָּׁמוּעוֹת הַלֵּלוּ הוּא רַבִּי אֱלְעַזַר. בָּאחת השָׁמוּעוֹת הלַלוּ אוֹמר ַרַבִּי אֶלְעָזָר שָׁטוֹב לַעֲסוֹק בַּתּוֹרָה בַּחֲבוּרָה, כִּי כַּאֲשֶׁר רַבִּים לוֹמִדִים יחד מתִבַּרִרים הדִּבַרים היטב. ַרַבִּי אֵלְעַזַר קִיבֵּל עַל עַצְמוֹ מִינּוּי שׁל פַּרְנַס - עַלַיו הוּטַל לְפַרְנַס עַנִיִּים מִכַּסְפֵּי צְדָקָה.



Daf 164: MALICIOUS SPEECH

דף קס״ר: לַשׁוֹן הָרָע 🍑

Rabbi Yehudah HaNasi, redactor and editor of the Mishnah. had several sons who were talmidei chachamim. On this daf the Talmud relates two incidents involving his son Rabbi Shimon, A document was brought to Rabbi Yehudah HaNasi that he thought was not written properly. For some reason, Rabbi Yehudah HaNasi (often referred to in the Talmud and otherwise as "Rabbi")

assumed that the document had been written by his son, Rabbi Shimon and, therefore, he looked at him disapprovingly. But Rabbi Shimon told his father that he had not written it, but Rabbi Yehudah Hayyata had done so. Rabbi responded, "Distance yourself from lashon hara (malicious speech)." Rabbi Yehudah HaNasi here was, in effect, saying: "You should only have told me that you did not write it. Why did you need to tell me who wrote the deficient document?"

ּלְרַבִּי יִהוּדַה הַנַּשִּׂיא, מְסַדֵּר הַמִּשְׁנַה, הַיוּ כַּמַה בַּנִים תַּלְמִידִי חֲכַמִים, בַדף זֶה מביא התּלמוּד שָׁנִי מעֲשִׁים שָאירְעוּ עם בָּנוֹ, רבּי שִׁמְעוֹן. ַפַּעַם אחַת הוּבַא לִפְנִי רַבִּי שָׁטַר מְסוּיַם שֶׁרַבִּי חַשַּׁב שֶׁהוּא נִכְתַּב שַׁלֹא כַּהוֹגֵן. מִסִּיבַּה מִסוּיֵּמֵת חַשָּׁב רַבִּי שֶׁבָּנוֹ רַבִּי שָׁמְעוֹן כַּתַב שְּטַר זֶה וּלְפִיכֶךְ הוּא הָבִּיט בּוֹ בְּפָנִים זוֹעֲפוֹת. אַמֵּר לוֹ רַבִּי שָׁמְעוֹן: "לֹא

> אַנִי כַּתַבְתִּי אֶת הַשָּׁטַר אֵלַא אַדַם הַמְכוּנֵה רַבִּי יִהוּדַה חַיִּטַא". הֵגִיב רבי ואמר לו: "היזהר להתרחק מַלְשׁוֹן הַרַע". רַבִּי הִתְּכַוּן לוֹמֵר לוֹ: היה עלֵיך לוֹמר שָׁאתה לֹא כַּתַבָּתַּ, אַךְ מַדּוּעַ הַיִּיתַ צַּרִיךְ לְסַפֵּר לִי מִי כַּתַב אֵת הַשָּׁטַר הלקוי?





Daf 165: A HINT OF MALICIOUS SPEECH

דף קס״ה: אַבַק לַשׁוֹן הַרַע 💽



In the Talmud, Chazal state there is one prohibition from which people are generally not spared: Issur avak lashon hara (the prohibition against a hint of malicious speech). Avak Lashon Hara, literally "the dust of evil speech," refers to a story told without any bad intention but that nevertheless, might be interpreted by the hearer (or reader) negatively.

Rashbam gives an example: If a person says, "There is smoke rising from the chimney of so-and-so's home every day," such words would not remotely appear to be lashon hara. However, it might be understood by the hearer that excessive cooking is done in that home for over-indulgent parties, otherwise, why would smoke rise from the chimney every single day?

Thus, there is sometimes the potential for completely innocent words or phrases to be considered avak lashon hara. It is very difficult for anyone to guard against violating this prohibition. However, the Chofetz Chaim states that someone who decides to be careful and conscientious about

this is guaranteed to succeed.

חַזַ"ל בַּתַּלְמוּד אַמְרוּ שֵׁיֵשׁ אִיסוּר שֵׁבְּנֵי אַדָּם אֵינַם ַניצוֹלים ממֱנוּ בָּדֶרֶךְ כָּלַל: איסוּר "אֱבק לַשׁוֹן הַרַע". אַבַק לַשׁוֹן הַרַע הוּא סִיפּוּר שָׁאֵינוֹ נֵאָמַר מִתּוֹךְ כַּוְנַה רעה, אוּלם עלוּל לָהשָׁתַּמע מכּרָ כִּי פָּלוֹנִי הוּא בּעל מידַה מְגוּנַה.

הרשב"ם מביא דוּגָמא לְכֹרְ: אדם המְספּר: רְאוּ, בְּבִית ּפְּלוֹנִי כָּל הַיּוֹם עוֹלֵה עָשָׁן מִן הָאֲרוּבָּה. דְּבָרִים אֱלֵה אֵינָם לַשׁוֹן הַרַע, בָּרָם, עַלוּל לְהַשְּׁתַּמֵע מִכַּךְ כָּאִילּוּ בְּבֵית ָפָלוֹנִי כָּל הַיּוֹם מְבַשָּׁלִים אוֹכֶל וְעוֹשִּׁים סְעוּדּוֹת וּמְסִיבּוֹת, אחרת, מדוע עוֹלֵה שָׁם כַּל היוֹם עֲשׁן התּנוּר?

> אם כן, אפוא, רואים אנו שלפעמים אַפילו דִיבּוּרִים תְּמִימִים עַלוּלִים לְהֵחָשֵׁב אֲבַק לָשׁוֹן הָרָע. מוּבָן שֶׁקַשֶּׁה מְאוֹד לָהִיזַּהֵר מִכַּךְ, אַךְ הֵחַפֵּץ חַיִּים אוֹמר שַׁמִּי שַׁמַּחָליט לְהיזַּהר מָכַּךְ וַלַשִּׁים לֵב מוּבְטַח לוֹ, לדַבריו, שׁיּצָליח.

D'VAR TORAH: PARASHAT VAYETZEI



דבר תורה: פרשת ויצא

As Ya'akov and his household fled from Lavan, Rachel took Lavan's terafim (household idols), motivated by a desire to eliminate idol worship from her father's life. When Lavan accused Ya'akov of stealing these idols, Ya'akov, unaware of what Rachel had done, replied inadvertently with a curse: "But anyone with whom you find your gods shall not remain alive!" Ya'akov certainly did not intend to harm or curse his beloved wife Rachel, but his words unintentionally contributed to her untimely death while they were on their journey. This narrative from the Torah illustrates the profound impact of human **speech,** which has the power to transform and enhance the world, but also to destroy and end lives, even when there is no such intent.

בָּעֵת בִּרִיחָתוֹ שֵׁל יַעֲקֹב וּבְנֵי בֵּיתוֹ מִלְּבָן, נוֹטֵלֵת רְחֵל אָת הַתַּרַפִּים שֵׁל לַבַן, מִתּוֹךְ רַצוֹן לְסַלֵּק מֵעַל אַבִיהַ אָת עבוֹדַת הַפָּסָלִים. כִּשָּׁלְבֵן מַעֲלֶה בִּפְנֵי יַעֲקֹב אֶת הַטַּעֲנָה כִּי הוּא גַּנַב לוֹ אֶת הַתַּרַפִּים, מֵשִׁיב יַעַקֹב וָאוֹמֵר מִבְּלִי ַלָּהָתְכַּוַן: "עם אַשֶּׁר תִּמְצַא אֶת אַלֹהֶיךְ לֹא יְחְיֵה". יַעַקֹב ָכַּמוּבָן שֵׁלֹא מִתְכַּוֵן לְקַלֵּל וְלְפָגֹעַ בִּרַחֵל אִשְׁתּוֹ הַאֲהוּבָה, אַךְ אֵמִירָתוֹ זוֹ הִיא אֱחַד מֶהַגּוֹרְמִים לְמוֹתַהּ שֵׁל רַחֵל בּגיל צָעִיר בִּהְיוֹתָם בַּדֶּרֶךְ. בְּכָךְ מְלַמֶּדֶת אוֹתָנוּ הַתּוֹרָה עַל כּוֹחוֹ הַגָּדוֹל שֵׁל דָבּוּרוֹ שֵׁל הָאָדָם, אֲשֵׁר בִּיכַלְתּוֹ לְקַדֵּם אֶת הַעוֹלֵם וּלְהֵיטִיב עָמוֹ, אַךְ גַּם לַהַרֹס וּלְהַמִּית, וִזֹאת אַפְּלּוּ בָּמַקוֹם בּוֹ הַאַדַם כָּלֵל לֹא מִתְכַּוּן.