

Seder Nezikin | Bava Batra 133-139 | Shabbat Parashat Beha'alotcha | 10-17 Sivan (June 4-10)

Daf 133: מְרֻזְלִית, דָּג וְהֶקְדֵּשׁ – A Jewel, A Fish, & Assets Dedicated to the Beit HaMikdash

A father can bequeath all of his assets to a stranger before his death, thereby disinheriting his sons. The *Mishnah* teaches that such action is improper. A father should leave his assets as an inheritance to his sons as the Torah commands.



In this context, the Talmud relates the following story: The sage Yosef Ben Yoezer had a son who behaved improperly. Yosef Ben Yoezer made a choice to dedicate a utensil filled with gold dinars to the *Beit HaMikdash* so that his son would not inherit it. Eventually, the son married a woman whose father was a craftsman preparing royal decorations in the house of King Yannai.

After some time, Yosef Ben Yoezer's son and his wife had a child. The son decided to purchase a fish in honor of the occasion. When the son opened the fish, he found a precious Jewel inside. His wife said to him: "Do not sell the jewel to

the king's craftsmen. They are not God-fearing people and they might deceive you regarding the price. Go to the treasurers of the *hekdesh* (items dedicated to the *Beit HaMikdash*) and offer them the opportunity to purchase the jewel."

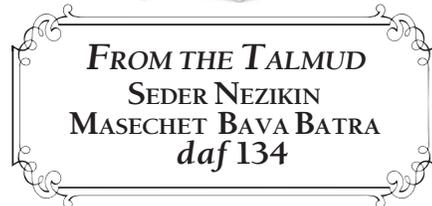
When the son arrived to speak with the *hekdesh* treasurers, they told him: "Your jewel is worth 13 utensils filled with gold dinars. However, you should know, that the *hekdesh* fund only contains seven utensils filled with gold dinars at this time." The son replied: "I will take the seven you have and I dedicate the remainder to *hekdesh*." Some say the son acted as he did because of his father's example, having dedicated a utensil full of gold dinars to the *Beit HaMikdash*.

Daf 134: תְּלַמְּדֵי שֶׁל הֵילֵל הַזֶּקֶן – Students of Hillel the Elder

The Talmud tells the story of the students of Hillel the Elder who labored diligently in their study of Torah and were great *tzadikim*. Hillel the Elder had eighty students. The Talmud says the greatest among them were sufficiently worthy to have the Divine Presence rest upon them, as it did upon Moshe Rabbeinu; while the least worthy among them were adequately admirable for the sun to stand still on their behalf, as it did for Yehoshua bin Nun, when he fought against the Canaanites.



The greatest student of them all was Yonatan ben Uzziel and the least of them was Rabban Yoḥanan ben Zakkai. Rabban Yoḥanan ben Zakkai would arrive at the *Beit Midrash* first each morning and was the last to leave. He never sat idle. He studied constantly and vigorously, reviewing and learning Torah. He eventually came to know the entire Torah – along with the interpretations – every word, each letter, and every minute detail in the Torah. Regarding Yonatan Ben Uzziel, it is said that when he was engaged in learning Torah, he ascended to the highest levels of *kedusha* (holiness). According to tradition, the sanctity Yonatan Ben Uzziel generated was so intense that birds who flew above him would be incinerated.



מן התלמוד:

סדר נזיקין, מסכת בבא בתרא, דף קל"ד:
"אמרו עליו על רבן יוחנן בן זכאי,
שלא הניח מקרא ומשנה... דבר גדול
ודבר קטן. דבר גדול - מעשה מרכבה,
ודבר קטן - הוויות דאבי ורבא."

Translation

הלכתא ... *Hilchata* Halacha

מתניתין ... *Matneetin* Our Mishnah

Explanation

Rabban Yochanan Ben Zakkai was *bakee* (an expert) in the entire Torah, both in great matters, like the secrets of the Torah called "*Ma'aseh Merkava*" (Design of the Divine Chariot), as well as in small detailed knowledge, like the halachic discussions of Abaye and Rava.

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📄 Daf 135: תוקפו של השטר – Validity the Document



Ninety-five years ago, a Jew named Rabbi Zalman lived in Jerusalem. Rabbi Zalman was known to be a pauper. One day, Rabbi Zalman suddenly became rich, achieving exceptional wealth. Here is the story: On Monday morning, a Turkish mail clerk came knocking on his door and handed Rabbi Zalman a telegram that arrived for him from Slonim. Rabbi Zalman opened the envelope with the telegram in it and began to read: “*Mazal Tov!* You are now very wealthy! Last night, your father’s elderly uncle Ya’akov Zlotky died. Ya’akov was known to be childless and you are his only heir.” An hour and a half later, another telegram arrived and it said: “Apologies. We’re sorry. You are not the heir!” Twenty minutes later, a third telegram arrived, and it said: “Sorry again! You are indeed the heir!”

What happened? When the *Chevra Kadisha* (burial society) was preparing Ya’akov Zlotky to be buried, they found a note tied to his leg, stating he bequeaths all of his assets to one of the residents of Slonim. Because of this finding, they sent the second telegram to Rabbi Zalman, announcing the cancellation of his rights to the inheritance. However, when the rabbi of Slonim saw the document, he declared the document was invalid — since on this *daf* of Talmud, it states that in such a circumstance, we assume the deceased intended to effect the *kinyan* (acquisition) using the document. Since it never was handed to the beneficiary during the life of the provider — the document is worthless.

📄 Daf 136: “קנין הגוף” ו“קנין פירות” – “Acquisition of an Item” & “Acquisition of Profits”

A field owner may sell his property to a buyer. On this *daf* we learn that there is a type of partial acquisition, called “*Kinyan Peirot*” (Acquisition of Yield). An individual can sell to another person, the rights to receive the fruit that will grow in the field during a certain period. For example, Reuven sells land to Shimon, stating that the produce from the field for the next six years will belong to Shimon. Reuven sells only the rights to the produce. After this sale, Reuven retains “*Kinyan Guf*” (rights to the core item — in this case, the field itself belong to Reuven); while Shimon holds the “*Kinyan Peirot*” (rights to the yield — in this case, the produce from the field belong to Shimon).



Everyone who brings *bikkurim* (donation of first fruits to the *Beit HaMikdash*) recites the *pasuk* from *Sefer Devarim* 26:10 “And now, behold, I have brought the first fruit of the ground, which you, God, have given to me.” Can Shimon recite this *pasuk*? The *Amora* Reish Lakish said: No! Shimon may not recite this *pasuk*, since the ground belongs to Reuven. Reish Lakish maintains this opinion, since the *Ba’al Kinyan Peirot* (owner of the profits) is not considered the owner of the primary asset. However, other *Amoraim* disagree.

👤 | Who's Who In Jerusalem

Theodor (Teddy) Kollek 1911-2007

Teddy Kollek, Jerusalem’s mayor from 1965-1993, was born in Hungary and named after Theodor Herzl. He and his family moved to Eretz Yisrael in 1935. When Kollek was first elected mayor, Jerusalem was still a divided city. At that time the city was barely a shadow of the wonderfully advanced city it is today. The city did not have museums, big businesses or cultural institutions.

During Kollek’s tenure, Jerusalem developed into a modern city. He founded the Israel Museum and the Jerusalem Theater and was the founder and head of the Jerusalem Foundation, which promotes the development of Jerusalem. With the support of the Tisch family, Kollek was instrumental in moving the Biblical Zoo to its current expansive location.

Over the past 40 years, thanks to Kollek, Jerusalem has become home to thousands of companies and over the past 12 months alone, \$122.9 million has been invested into the almost 500 innovative companies in the capital today.

When Kollek passed away at the age of 95, then mayor of the city Uri Lupolianski said, “Teddy was Jerusalem and Jerusalem is Teddy”.



Teddy Kollek. Photo: Israel Government Press Office.



**Daf 137: "מַתָּנָה עַל מְנַת לְהַחְזִיר" –
"A Gift Given Meant To Be Returned"**

On the first day of the *Sukkot* holiday, a visitor arrived in the synagogue and said he lost his *arba'at haminim* (4 species comprising the *lulav* and *etrog*). The visitor asked Moshe to give him his *arba'at haminim* as a gift, so that he might be able to fulfill the *mitzvah* with them and afterwards, he would return them.



Why did the visitor want to receive the *arba'at haminim* as a gift? Because on the first day of the *Sukkot* holiday one can not fulfill the *mitzvah* of *arba'at haminim* if they do not belong to the person seeking to fulfill the *mitzvah*. Moshe was worried that perhaps he would give the visitor the *arba'at haminim* as a gift and he would not get them back. His friend Aharon gave him a solution as provided for in the Talmud: Give the visitor the *arba'at haminim* with the proviso that it is a "*matana al menat le'hachzir*" (a gift given on the condition it be returned). Meaning, Moshe should give the *arba'at haminim* to the visitor as a gift — if the visitor does

not return them, retroactively they are considered not to have been a gift and the visitor would not have fulfilled the *mitzvah* of *arba'at haminim* using them.

**Daf 138: נְכָסִים מְשׁוּעָבְדִים וְנְכָסִים בְּנֵי חוֹרֵין –
Pledged Assets and Free Assets**

In several instances, we have learned that the assets of a borrower are pledged to the lender. The lender has the right to collect on the debt, and under certain conditions even if the borrower sold these assets, the lender is entitled to collect them from the buyer.

In this regard, one needs to know an important *halacha*: "One does not redeem a debt from *nechasim meshubadim* (pledged assets), if *nechasim b'nei chorin* (free assets) are available." *Nechasim b'nei chorin* are assets available to the borrower that have not been sold. Hence, as long as one can collect directly from the borrower — one may not collect assets that were purchased by others from the borrower.



If the borrower has no assets whatsoever, and it turns out that the borrower sold *nechasim meshubadim* to two customers — from whom should the debt be collected? Answer: if the borrower sold the assets on the same day, equal portions of the debt are collected from each of them. However, if the borrower sold the assets on different days, the debt first is collected from the asset sold last. Only if the last asset is not of sufficient value to repay the entire debt — the

remaining debt is collected from the buyer of the first asset.

**On The Map
In Jerusalem**

**The Tisch Family Zoological
Gardens in Jerusalem**
(The Biblical Zoo)

The Biblical Zoo was founded by Aharon Shulov, a professor of zoology at the Hebrew University of Jerusalem and opened in 1940. The purpose of the zoo was to gather animals, birds and reptiles that are mentioned in the *Tanakh*, which proved difficult since many of the animals were extinct in Israel. Eventually the zoo included endangered animals from around the world.

In 1947, with already 122 animals, the zoo moved to a bigger plot of land on Mount Scopus. After Israel's War of Independence, the zoo was relocated to *Romema*, where it remained until 1991.

Jerusalem mayor Teddy Kollek was one of the Biblical Zoo's main supporters. He wanted to move the zoo, which had grown tremendously in popularity and in animals to a larger location. Kollek raised money in conjunction with the city of Jerusalem to move the zoo to its current location, a state-of-the-art facility that sits on 62 acres. The zoo has thousands of animals representing 250 different species.



Aharon Shulov and his wife, Yocheved, holding a python. Photo: Wikipedia



📌 Daf 139: מִתְּנַת שְׂכִיב מֵרַע – Minor Heirs and Older Heirs

On this *daf* we are taught several *halachot* about the division of an inheritance between a number of sons designed to prevent a situation in which some of the sons receive less than what they are legally entitled to receive.

For example: In a family where some of the heirs are adults and others are minors, if the adult sons want to take out clothing expenses from the assets, even before the division of the assets, the minor boys are entitled to prevent the older sons from doing so. This is because the clothes of small children cost significantly less than adult clothing. It is unjust for the older ones to receive more value.

On the other hand, the Talmud teaches us about a case where some of the brothers got married while the father was still alive, and he gave them a set amount of money for wedding expenses. Then the father died. The remaining sons claimed to deserve a similar sum, to be set aside exclusive of their inheritance, for their wedding expenses. However, they are incorrect. According to *halacha*, what the father gave while he was alive, he gave. Whomever did not receive, does not receive after his passing.



חוכמת החכמים



הוא הִיָּה אוֹמֵר: ...
וְאִם לֹא עֲכָשְׁיוּ, אֵימְתִי? (אבות א:יד).

הַסֵּבֵר: אִם אֵינִי עוֹשֶׂה/עוֹשֶׂה אֶת חוֹבְתִי עֲכָשְׁיוּ –
מִתִּי אֶעֱשֶׂה אוֹתָהּ? (אין לְדַחוֹת דְּבָרִים).

אֵינִי (אִין אֲנִי) – I do not	מִלּוֹן
חוֹבְתִי – My obligation	אִם – If
מִתִּי – When	עֲכָשְׁיוּ – Now
לְדַחוֹת – Postpone, put off	אֵימְתִי – When



📖 | Dvar Torah for the Shabbat Table

At the end of *Parashat Beha'alotcha* it is written that Miriam and Aharon spoke *lashon hara* (slander) about Moshe. "Miriam and Aharon spoke about Moshe regarding the Cushite woman he had married, for a Cushite woman he took to marry." Chazal asked: Who was this woman? What were Miriam and Aharon talking about and why were they punished for it?

According to some of the commentators, Miriam and Aharon were referring to Moshe's wife, Zipporah, whom Moshe left based on God's direction. However, other commentators state that Miriam and Aharon's remarks refer to a new wife Moshe wed, and that Miriam and Aharon thought it was inappropriate for Moshe to have two wives.



Despite their good intentions, God punished them for this: "The wrath of HaShem flared against them and God left. The cloud departed from above the Tent. And behold, Miriam was afflicted with *tza'ra'at*, [as white] as snow. Then Aaron turned to Miriam and behold, she was afflicted with *tza'ra'at*." The moral lesson the Torah sought for us to learn from this story is the severity of the sin of slander.

🔍 QUESTIONS OF THE WEEK

All answers can be found in this Daf Yomi booklet

1. What are *nechasim meshubadim* and what are *nechasim b'nei chorin*?
2. What are "Kinyan Guf" and "Kinyan Peirot"?
3. How can a person who does not have their own *Arba'at HaMinim* on the first day of *Sukkot* nonetheless fulfill the *mitzvah* using their fellow's *Arba'at HaMinim*?

Please email answers to questions to
answers@talmudisraeli.co.il
for a chance to win an iPad mini!