



Seder Nezikin | Bava Batra 175-Sanhedrin 6 | Shabbat Parashat Matot-Masei  
22 Tammuz – 28 Tammuz (July 16 - July 22)

## Daf 175: "מלוה בשטר" – "מלוה על פה" – "Lending With A Document" — "Lending With A Oral Agreement"

We learned that a person who lends money has a lien on the property of the individual who borrowed the money. Even if the borrower sells assets to someone else, the *malveh* (lender) is entitled to collect the debt from that other buyer (on condition that the property is land and that the *loveh* (borrower) has no other assets from which the debt can be collected.)



The Mishnah on this *daf* states that the *halacha* cited above only pertains to a case where the loan was recorded in a written *shtar chov* (promissory note). However, in a case where the loan was made *be'al peh* (with an oral agreement), the *malveh* may not take away properties from another buyer.

Why is this so? The Amoraim disagreed about the answer to this question. According to the Amora Ulla, Torah law stipulates that the property of the *loveh* was also *meshuabad* (tied up) in cases where a *be'al peh* agreement was made, but that Chachamim voided that attachment so that people who purchased land would not lose their money unexpectedly. This concern does not exist with a loan recorded with a *shtar*, since such a loan would be widely publicized as the *loveh*, *malveh*, and *eidim* (witnesses) go to the *sofer* (scribe) to write the *shtar* and everyone is aware of the need to be cautious.

## Daf 176: "שעבודא דאורייתא" — Property Lien in Torah Law

On the previous *daf*, we learned that in Ulla's opinion, under Torah law the *malveh* is provided with a *she'abud* (lien) on the property of the *loveh* for every type of loan, whether the loan was initiated with a *shtar*, or *be'al peh*. The *malveh* is permitted to collect the debt owed from anyone who purchased land from the *loveh*. In Ulla's opinion, the Chachamim made a decision to cancel the requirement of attaching a *she'abud* to the *loveh's* property, in a case where the loan was made with a *be'al peh* agreement. This opinion subscribes to the view of "*Shi'abud D'Oraita*" — a lien on property is Torah law.



However, Rabbah disagrees and contends that "*Shi'abuda ayna D'Oraita*" — there is no Torah law placing a *she'abud* on the *loveh's* property through which properties may be taken from a future buyer as payment of the original owner's debt. Rather, the Chachamim, because of their concern that no one would be willing to lend money to their fellow, enacted this law. Lenders would worry that the borrower might sell all of his/her property and leave the lender with no means of collecting what was owed. In Rabbah's opinion, the Chachamim made their ruling only regarding loans agreed upon using a *shtar*, and not loans made *be'al peh*, so as not to cause unexpected harm to land buyers.



FROM THE TALMUD  
SEDER NEZIKIN  
MASECHET SANHEDRIN  
daf 5

מן התלמוד:  
סדר נזיקין, מסכת סנהדרין, דף ה':  
”ותניא: תלמיד אל יורה הלכה במקום רבו, אלא אם כן היה רחוק ממנו שלוש פרסאות כנגד מחנה ישראל“.

### Translation

A'de'atai ... אדעתאי In my opinion  
Tuva ... טובא More

### Explanation

It is forbidden for a student to teach *halacha* in a place where his teacher is present, unless there is a distance of three *parsa'ot* between them — i.e., the size of the encampment of B'nai Israel while they were in the desert.

**B'Sha'ah Tova** – We complete learning Masechet Bava Batra!

Please join us in learning **Masechet Sanhedrin**

**מסכת סנהדרין**  
**פֶּרֶק א' - דֵּינֵי מְמוֹנוֹת בְּשְׁלוֹשָׁה**  
TRACTATE SANHEDRIN: Ch. 1 — Cases of monetary law are adjudicated  
by three judges

**Daf 2: מסכת סנהדרין – Tractate Sanhedrin**

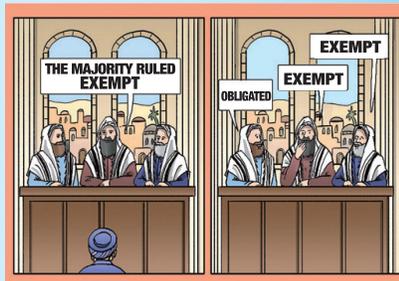
*Masechet Sanhedrin*, which we begin to learn on this *daf*, contains 11 chapters, dealing with the *halachot* connected to *dayanim* (judges): e.g., who is fit to serve as a judge; how a *Beit Din* is required to act during their deliberations; laws of penalty and punishment. There are transgressions for which the Torah mandates that the person who committed the violation is to be punished by a *Beit Din shel Mata* (an earthly court) and this *masechet* elaborates on those offenses — e.g., in what way a *Beit Din* should examine witnesses to assess whether their testimony is true.

Rabbi Menachem Ben Shlomo — “The *Meiri*” — writes that the *Chachamim* referred to *Seder Nezikin* (the order of Damages) as “*Yeshu’ot*” (Salvations), since it deals with *halachot* that provide help and salvation. For example, *Dinei Mamonot* (*halachot* regarding business transactions) provide salvation, because through them a person will be rescued from the hands of a thief. Similarly, the appointment of *dayanim* brings about salvation, since they caution and prevent the nation from committing crimes and transgressions, thereby rescuing them.

**Daf 3: “אַחֲרֵי רַבִּים לְהַטּוֹת” – “Follow the (opinion of the) Majority”**

The first *Mishnah* in this *masechet* deals with rules pertaining to the number of judges who should preside over any given case. The *Mishnah* states that *Dinei Mamonot* (financial cases) require deliberation by three *dayanim*. Rava says that disagreements regarding loans are an example of *Dinei Mamonot* — e.g., one person claims s/he lent money to someone and the other person says that is not true. In addition, controversy over *mekach u’memkar* (trade and commerce) — e.g., one person claims they purchased an item from someone, while the other person says that claim is untrue.

*Dinei G’zeilot* (cases of theft) are adjudicated by three *dayanim*. This is also the case regarding *Dinei Nezikin* (case of damage, torts) and more. The number of *dayanim* on a *Beit Din* must always be an odd number, because as long as the number of *dayanim* is uneven, it will always be possible to reach a judgment based on a majority opinion. If there are three *dayanim* and one votes guilty and two vote not guilty, the ruling is determined by the two *dayanim* who make up a majority — since the Torah declares — “*Acharei rabim le’ha’tot*,” the ruling is determined by the opinion of the majority. If there had only been two *dayanim*, a situation could arise where there is no resolution, if one *dayan* rules one way, and the other *dayan* rules the opposite way.



**2 | Made In Jerusalem**

**Marzipan Bakery**

Located in the Mahane Yehudah market, Mazipan Bakery is known for their world-famous chocolate pastry called rugalach. Of Yiddish origin, the word rugalach means little twists, which references the shape of this delicious treat.

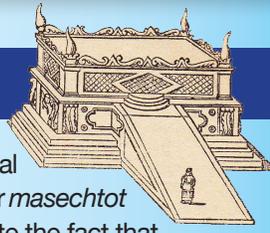
While visiting Mahane Yehudah, known as the Shuk, is a culinary pleasure in general, it is almost impossible to pass Marzipan and ignore the delicious aromas of their fresh backed pastries. These rugalach are claimed by many to be the most delicious in the world and tourists often make a special trip to the Shuk just to taste the luscious pastry. Recently, Mazipan rugalach have become available in America!

**Thank you Israeli bakers for giving us yet another reason to visit Mahane Yehudah and enjoy the delicious tastes of Jerusalem!**



Delicious Marzipan rugalach.  
Photo Source: marzipan.com

**Daf 4: דיני קרבנות – Laws of Sacrifices**



On this *daf*, the Talmud deals with one manner of textual interpretation. To this end, the Talmud brings *halachot* from other *masechtot* that are also derived using this method of interpretation, despite the fact that these *halachot* are not connected to *Masechet Sanhedrin*. *Hilchot Korbanot* (laws regarding offerings) are among the topics the *Gemara* deals with here.

“*Zerika*” (sprinkling blood on the altar) is an especially important element of the sacrificial service. After *zerika* is performed, the *korban* is received by God with pleasure and fulfills the minimum obligation of the person making the offering. All further aspects of the sacrificial service are not absolutely essential. They are done for the sake of optimally performing the *mitzvah*, but they do not impact upon the *kashrut* (validity) of the *korban*.

How many times must the blood from the *korban* be sprinkled? The answer varies depending upon the type of *korban*: From a *korban chatat* (sin offering) blood is sprinkled four times; from the *korban olah* (burnt offering), *korban asham* (guilt offering), and *korban shelamim* (peace offering) blood is sprinkled twice. There are also offerings for which blood is sprinkled only once, such as the *korban pesach*. For any *korban*, one sprinkling of blood is sufficient b'dee'avahd (in retrospect), with all further sprinkling being merely for the optimal performance of the *mitzvah*.

**Daf 5: “מום קבוע” ו“מום עובר” – Permanent Blemish and Temporary Blemish**



The Torah prohibits sacrificing on the *mizbe'ach* (altar) in the *Beit HaMikdash* any animal that possesses a *moom* (blemish, imperfection). Accordingly, what is done with a *korban* that is found to have had a *moom*? That animal may be redeemed in the following manner: Money is set aside and it is declared that the *kedusha* (holiness)

of the *korban* should be transferred to the money. As a result, the *korban* is relieved of its holy status and the money becomes sanctified in its place. In the case of a *korban olah* (burnt offering) or a *korban shelamim* (peace offering) the money is used to purchase a replacement *korban*, and thereby fulfilling one's obligation. Only a *korban* possessing a *moom* may be redeemed and a *korban* that does not possess a *moom* must be offered. It is only possible to redeem a *korban* that has a “*moom kavua*” (permanent blemish), while a *korban* that has a “*moom o'vehr*” (temporary, passing blemish) may not be redeemed.

What is a “*moom kavua*” and what is a “*moom o'vehr*”? A “*moom kavua*” is a blemish that will not heal. A “*moom o'vehr*” is a blemish that is able to heal. A *korban* that possesses a *moom o'vehr* is not sacrificed. It is set aside until the *moom* heals and only then is the *korban* offered. The Talmud teaches that the *Amora Rav* lived with shepherds for a year and a half, in order to learn how to distinguish between various types of animal blemishes as they relate to *korbanot*.

**On The Map Of Jerusalem**

**Binyanei HaUma**

In *Giv'at Ram*, Jerusalem stands the largest convention center in the Middle East. It is known as *Binyanei HaUma* – The Buildings of the Nations – although its formal name is *Merkaz HaKongresim HaBeinleumi* -- The International Convention Center. Conveniently located in the vicinity of the Central Bus Station and the Jerusalem Light Rail line, *Binyanei HaUma* has a number of concert halls (the largest of which seating more than 3,000 people) as well as an exhibition space totaling an astounding 129,167 square feet!

Completed in 1963 (after being under construction for more than a decade), *Binyanei HaUma* is home to the acclaimed Jerusalem Symphony Orchestra as well as the Jerusalem International Book Fair. In the past, *Binyanei HaUma* also twice hosted the Eurovision contest. And if this wasn't enough to make an impact, plans are under consideration to increase the square footage by an additional 323,000 square feet!



Jerusalem's International Convention Center (also known as ICC and "Binyanei HaUmah"). Photo Source: Wikipedia/Michael Jacobson

## Daf 6: פְּשָׁרָה בֵּין בַּעֲלֵי דִין – Compromise Between Litigants

On this *daf* of Talmud, we learn about the possibility of *p'shara* (compromise) between *ba'alei din* (litigants). Reuven lent Shimon money. Later on, neither of them could remember whether the loan was for 1,000 shekels (approximately \$250) or for 1,000 dollars. In such a case, the *dayan* (judge) can suggest that the two men agree to a *p'shara*, instead of seeking a *din* (judgment) in the *Beit Din*.



What is a *p'shara*? The *dayan* makes a decision as the *dayan* sees fit. For example, the *dayan* can determine that Reuven will receive 500 shekels and 500 dollars. A "*p'shara*" is like *mayim poshrim* (lukewarm water) that is neither hot, nor cold. Here, neither side is given an absolute decision in their favor. If they agree to the *p'shara*, they must to perform a formal act of *kinyan* (acquisition) to obligate them to implement the *p'shara* — so that in the event one that of the parties becomes dissatisfied, he will not be able to change his mind about the compromise. In terms of *halacha*, it was ruled that reaching a *p'shara* is preferable to pursuing strict *din*. Moreover, it is the *dayan's* responsibility to try to convince the parties to agree to a *p'shara*.



### חוכמת החכמים



אל תהי דן יחידי, שאין דן יחידי  
אלא אחד. (אבות ד:ח).

הסבר: רק הקדוש ברוך הוא, שיידיע הכל ובוהן ללבבות,  
יכול להיות דין יחידי. דין אנושי עלול לטעות. לכן, הוא  
צריך לצרף עמו שני דינים נוספים.

מלון



Human judge – דין אנושי

To err – לטעות

To err – עמו – לצרף

Additional – נוספים

Don't – אל

Single, lone judge – דן יחידי

There is no – אין

Except – אלא

Examines hearts – בוחן ללבבות

## Dvar Torah for the Shabbat Table

After the request of *B'nai Gad* and *B'nai Reuven* not to enter *Eretz Yisrael*, rather, to stay behind with their property on the east side of the Jordan, Moshe gets angry with them and tells them they must first join their brethren in battle and only afterward they would be able to go back to their homes. "and the Land will be conquered before HaShem, afterwards you may return, and you will be innocent from God and from Israel, and this land will become your heritage before HaShem." (32:22)

What is the meaning of the phrase and what to what was Moshe referring when he said: "Innocent from God and Israel"? The commentator known as "*Or HaChayim*" said that *B'nai Gad* and *B'nai Reuven* joining the war would show God that their intention was truly to sanctify His name and not for the purpose of their own personal gain — that is what is meant by "innocent in the eyes of God." Regarding the rest of *B'nai Yisrael*, they will see in this act of joining in the battle, that no resentment remained stemming from the sin of the spies — and this is what is meant by "innocent in the eyes of Israel."

Based on this statement by Moshe: "And you will be innocent from God and Israel", the sages taught that for every action a person takes, one must be concerned not only to be innocent in the eyes of *HaShem* but one must also worry about being innocent in the eyes of Israel. One's intentions must truly be good, but, moreover, one's actions must be seen in the eyes of others as being appropriate. This is the meaning of the phrase: "And you will be innocent from God and Israel."

## QUESTIONS OF THE WEEK

All answers can be found in this Daf Yomi booklet

1. Why must the number of *dayanim* on a *Beit Din* always be an odd number?
2. According to "The *Meiri*," why is *Seder Nezikin* called "*Yeshu'ot*" by Chazaq?
3. What is supposed to be done with a *korban* possessing a *moom o'vehr*?

Please email answers to questions to  
[answers@talmudisraeli.co.il](mailto:answers@talmudisraeli.co.il)  
for a chance to win an iPad mini!