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Bava Basra Daf 161

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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

***Signatures on a Tied Document***

[*The Gemora (160b) had asked: Where exactly do the witnesses on a tied document sign? Rav Huna says: They sign between the ties. Rav Yirmiyah bar Abba says: They sign on the other side of the writing, opposite the writing on the outside.*]

The *Gemora* asks: And according to Rav Yirmiyah bar Abba, who says that they sign on the other side of the writing, opposite the writing on the outside, is there no cause for concern that he might write on the inside whatever he wished (*underneath what was already written*) and induce additional witnesses to sign on the outside (*corresponding to the text on the inside*) and he might say, “I did this (*additional witnesses*) in order to increase the number of witnesses” (*for although a tied document suffices with three witnesses, he wanted more in order to publicize the matter*)!?

Rav Chisda replied to Rami bar Chama: Do you think that the witnesses sign (*in the ordinary way*) parallel to the lines of the document? They sign vertically from the bottom to the top (*perpendicular to the lines of the document; in this way, it will be noticeable if there will be any writing lower than their signatures*).

The *Gemora* asks: But is there no reason to be concerned that some damaging condition (*to the document holder*)

might be in the last line of the document and he would cut off that last line, and although with it, he also might cut off the name of the witness Reuven (*written on the other side starting from the bottom*); the *halachah* is that the document would still remain valid through the remaining part of the signature, which is “son of Yaakov witness”!? This is as we learned in a *Mishna*: If it is written, “The son of So-and-so who is a witness,” is valid.

The *Gemora* answers: The witness writes, “Reuven the son of” on one line, and, “Yaakov, witness” above it (*on the next line; so if the holder will cut off one line of text, he will be cutting off the words “Reuven the son of” on the opposite side; the document will thus be disqualified*).

The *Gemora* asks: But let us be concerned that he will cut off the words “Reuven the son of,” and the document will remain valid through the remaining portion of the signature, “Yaakov, witness,” as we learned in a *Mishna*: If a witness signs, “So-and-so, a witness,” the signature is valid.

The *Gemora* answers: The word “witness” is not written (*and therefore, if the words, “Reuven the son of” will be cut off, the only word remaining will be “Yaakov,” and the document will not be valid with that*).

Alternatively, you can answer that “witness,” in fact, is written, but this is a case where it is known that this signature is not that of any Yaakov around (*and therefore,*



*there is no way that this document will be valid with the signature of “Yaakov, witness”).*

The *Gemora* asks: But perhaps he signed with the name of his father (*out of respect; and as long as we can confirm that this is his handwriting, the document will be valid*)!?

The *Gemora* answers: People do not give up their own name and sign with their father’s name.

The *Gemora* asks: Perhaps the son was using his father’s name not as a signature, but rather – as a symbol! [*Were people not allowed to sign using an illustration (or letter) indicating who they were?*] Didn’t Rav sign by drawing a fish; Rabbi Chanina - a palm branch; Rav Chisda - the letter “samech”; Rabbi Hoshiya - the letter “ayin”; and Rabbah bar Rav Huna - a ship’s sail!?

The *Gemora* answers: People would not be so brazen as to use their father’s name as a symbol.

Mar Zutra said: What is the need for all this trouble (*to answer the original question as to how we can avoid the damaging stipulation from being cut off*)? The *halachah* is that any tied document where the signatures of all the witnesses do not terminate (*if they are signing top to bottom, or start – if they are signing bottom to top*) with the same line, it is an invalid document (*for if this would happen with one signature, it would be understandable, but not with all three*). (161a – 161b)

### DAILY MASHAL

The Torah writes about the sad event of Bnei Yisrael falling prey to the Bnos Midyan and their deceit. As with all sin--we must get to its root, its source. What caused

this sin? How did the Bnei Yisrael get involved with the Bnos Midyan at this late stage of their encampment in the desert, after so many years of extraordinarily miraculous living in the Midbar--as they were soon to approach their destination--Eretz Yisrael? Rabbi Shmuel Smith, Shlita, brings the words of the Pasuk (Bamidbar 25:1) “*Veyeishev Yisrael BaShitim...*--and Bnei Yisrael camped in Shitim”. This can be interpreted to mean, Chazal teach, that they went out into the foreign environment (*Shatu*) of the gentile nations to see how they lived. Rather than appreciating the extremely important lessons that Hashem taught them--how they could be successful and live an extraordinary existence if they remained separate and distinct--they ventured out to see how the people around them lived--what these people did and how they did it. The tragedy that resulted was transgression compounded by transgression--as they first sinned with the daughters of Midyan and went on to worship Avodah Zara. Incredibly, what Bilam could not accomplish with his expertise and mastery at sorcery and cursing--the people brought **upon themselves** by leaving the protection and confines of their Torah environment.