Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Kuf Lamed Vuv

MISHNA

- If one wants to write over his possessions to his sons (that they should be transferred after his death), **R' Yehuda** said he must write that they should be given "today and after death". **R' Yose** said he does not have to write "from today".
- If one writes over his possessions to his son to be koneh after his (the father's) death, the father would no longer be able to sell the possessions being that they have already been written over to his son. The son could not sell the possessions, because they are still in the possession of the father. If the father did sell them, they are only sold until the time of his death. If the son did sell them, the buyer has no rights in them until the death of the father.

GEMARA

- **Q:** Why does it help to write "from today and after death"? A Mishna regarding a get says that if a man gives a get and says that "it is a get from today and after death", it is a safek get, and therefore, if the husband died childless, the wife would need chalitza but could not do yibum!? **A:** In that case we are not sure whether the phrase "after death" is a condition or a retraction. In our case we understand the phrase to mean that the property itself is given over today, but the rights to the produce are not given over until after death.

R' YOSE OMER EINO TZARICH

- **Rabbah bar Avuha** told **R' Huna and R' Nachman** that we pasken like **R' Yose**. **R' Huna** then explained to **R' Nachman**, the logic of **R' Yose** is based on the fact that the document was dated. This shows that he meant to give the gift from the time it was dated, and not just after death. A Braisa gives this as **R' Yose's** logic as well.
- **Q: Rava** asked **R' Nachman**, if there is a document of record that a kinyan was done (the document is not acting as the kinyan itself), would **R' Yehuda** still require that the document say "from today and after death" or not? **A: R' Nachman** said, in such a document it would not be needed. **R' Pappi** said, some such documents would need it and others would not – if the document said that the witnesses were instructed to acquire for the person and later says "we acquired it", the document would not need to say "from today", but if the document first said "we acquired it" and then said they were instructed to acquire it, it would need to say "from today".
    - **Q: R' Chanina of Sura** asked, can it be that we Rabanan are not aware of this distinction, but the sofrim who write the documents are? If they are not, such a distinction cannot be relied on!? **A:** They asked the sofrim of **Abaye**, and they were aware of this, and they asked the sofrim of **Rava**, and they were also aware of this.
    - **R' Huna the son of R' Yehoshua** said, whether it first said "we acquired it" or not, **R' Yehuda** would agree that it does not need to say "from today". However, if the document says it is recording an event that took place, without mentioning the actual act of kinyan, **R' Yehuda** would say that the document must say "from today".
    - **R' Kahana** said that **R' Zvid** of Neharda'ah taught a version of the preceding discussion that **Rava in the name of R' Nachman** said that **R' Yehuda** would not require "from today" to be written in a document that records the transaction, whether it first said "we acquired it" or not. However, if the document says it is recording an event that took place, without mentioning the actual act of kinyan, **R' Yehuda** would say that the document must say "from today".

HAKOSEIV NECHASAV LIVNO L'ACHAR MOSO

- If a father says his fields should go to his son after his death, and the son then sells his rights in the field, and then the son dies before the father, **R' Yochanan** said the buyer does not acquire

the property at all, because he holds that ownership of rights to the produce is considered to be ownership of the actual field. **Reish Lakish** said the buyer acquires the field when the father dies, because he holds that ownership of rights to the produce is not considered to be ownership of the actual field.

- **Q:** We have learned this machlokes between them elsewhere already!? We have learned, if one sells the rights to the produce of his field to another (but not the actual field), **R' Yochanan** says the purchaser brings bikkurim and even reads the parsha, because the rights to produce is equal to having the rights to the actual field. **Reish Lakish** says that he would bring bikkurim but would not read the parsha, because rights to the produce are not equal to rights in the actual field. Why do we need to be taught this machlokes again? **A: R' Yochanan** would say it is necessary to be taught this here, because we would think that although in other places ownership of the rights to produce is ownership of the field, maybe in this case, since a father is very generous towards his son, he intends for his son to own the property even though he retains the rights to the produce for himself. **Reish Lakish** would say, although typically an ownership of rights to produce is not ownership of the property, when the giver of the property retains the rights to the produce for himself, maybe in that case it is like the ownership of the property.
  - **Q: R' Yochanan** asked **Reish Lakish**, a Braisa says, if a person says, "my possessions shall be given to Ploni 1 upon my death, and after he dies it should go to Ploni 2, and after he dies it should go to Ploni 3", the halacha is that when Ploni 1 dies Ploni 2 is koneh, and when Ploni 2 dies Ploni 3 is koneh. If Ploni 2 died before Ploni 1 the possessions go to the heirs of Ploni 1 when he dies and they do not pass to Ploni 3. Now, if ownership of the rights to produce is not considered to be ownership of the actual property, then when Ploni 2 died during the lifetime of Ploni 1, the property should go back to the giver's heirs!? **A: Reish Lakish** said, **R' Hoshaya** has explained, when a gift is made using the verbiage of "and after…" it is different, and the recipient actually receives full ownership of the property.
    - **Rabbah bar R' Huna** asked this same thing to **Rav**, and **Rav** answered the same answer.
    - **Q:** Another Braisa says, if a person says, "my possessions shall be given to Ploni 1 upon my death, and after he dies it should go to Ploni 2, and after he dies it should go to Ploni 3", the halacha is that when Ploni 1 dies Ploni 2 is koneh, and when Ploni 2 dies Ploni 3 is koneh. If Ploni 2 died before Ploni 1 the possessions go back to the heirs of the original owner. We see that this Braisa holds that Ploni 1 only gets rights to the produce of the property, and such rights are not equal to ownership of the property itself, which refutes the view of **R' Yochanan**!? **A:** It is actually subject to a machlokes among Tanna'im. A Braisa says, if a person says, "my possessions should go to Ploni 1 and after him should go to Ploni 2" and Ploni 1 went and sold the property and used the money, **Rebbi** said Ploni 2 can take the property back from the buyers. **R' Shimon ben Gamliel** said that Ploni 2 only has rights to what is left over for him by Ploni 1. We see that the machlokes is whether the rights granted to Ploni 1 give him rights as if he owns the entire property.
    - **Q:** Another Braisa says, if a person says, "my possessions should go to Ploni 1 and after him should go to Ploni 2", **Rebbi** said Ploni 1 may go and sell the property, and **R' Shimon ben Gamliel** said that Ploni 1 only has rights to the produce. Each view here is reversed to what it is in the previous Braisa!? **A: Rebbi** is not contradictory, because in the earlier Braisa he is referring to sale of the land itself, whereas in this Braisa he is referring to selling of the produce. **R' Shimon ben Gamliel** is also not contradictory, because in the earlier Braisa he is referring to b'dieved, and in this Braisa he is giving the halacha l'chatchila.
      - **Abaye** said, someone who advises a person to sell property to which he only has a life interest with rights to the produce is

considered to be a “conniving rasha” according to **R’ Shimon ben Gamliel**, who says that such a sale would be effective.