



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

Bava Basra Daf Nun

- **Q:** We have said that **Rabbah bar R' Huna** said, that when the Mishna says the wife can void the sale, it is referring to 3 specific fields: a field that was written into her kesubah for collection, a field that was orally designated for her kesubah collection, and a field that she owned and brought into the marriage. What property is this meant to exclude? It can't mean to exclude other properties of the husband (that were not specifically designated for collection), because with regard to those fields the wife would certainly not want to hold back on a sale, because that would tell the husband that she is thinking about a divorce or his death!? It also can't refer to her sale of her rights to her melog property, because **Ameimar** has said that a husband and wife who sold melog property have not made an effective transaction!? **A: Rabbah bar R' Huna** could mean to exclude melog property. When **Ameimar** said the sale is not effective, he was referring to where either the husband *or* the wife sold their rights to the property, in which case it would be an ineffective transaction. However, if they both sold their respective rights to a person, or if the wife sold her rights in the melog property to her husband, it would be an effective transaction. **A2:** We can also say that **Ameimar** argues on our Mishna, and follows **R' Elazar** of the following Braisa. The Braisa says, if a person sells his slave with the agreement being that the slave should continue to work for the seller for another 30 days, **R' Meir** says the seller is considered the owner of the slave during those 30 days for purposes of "yom oy yomayim" (if a person kills a slave he is chayuv misah, however, if the owner hits the slave and the slave dies more than 24 hours later, the owner would not be chayuv misah), because the slave is still under his control. [The Gemara says, we see that **R' Meir** holds that ownership of the "produce" is considered ownership of the asset (the slave) itself]. **R' Yehuda** says, the buyer is considered to be the owner for purposes of "yom oy yomayim", because the slave is his property. [The Gemara says, we see that **R' Yehuda** holds that ownership of the produce is not considered ownership of the asset itself]. **R' Yose** says, they are both included in the halacha of "yom oy yomayim" – the seller, because he has the slave under his control, and the buyer, because the slave is his property. [The Gemara says, **R' Yose** is uncertain whether ownership of the produce is considered ownership of the asset, and because the result deals with putting someone to death, we must go l'kulah]. **R' Eliezer** says, neither of them are included in the halacha of "yom oy yomayim" – the seller is not, because the slave is not his property, and the buyer is not, because the slave is not under his control. **Rava** says, **R' Eliezer's** view is based on the pasuk of yom oy yomayim, which says "ki kasp'o hu" (it is *his* property), which teaches that the slave must belong *solely* to the master. In the same way, **R' Eliezer** would hold that since neither the husband nor the wife has full rights to the melog property, a sale by them would not be effective.

V'LO L'ISH CHAZAKAH B'NICHSEI ISHTO

- **Q: Rav** has said that a married woman must protest if someone tries to make a chazakah on her melog property. Now, who was he referring to as the person attempting to make the chazakah? It can't be someone other than her husband, because **Rav** said that a person cannot make a chazakah in the property of a married woman!? Rather, it must refer to the husband himself making a chazakah, and **Rav** says that she must make a protest, which is contrary to what our Mishna said!? **A: Rava** said, the Mishna is not problematic for **Rav**, because he is talking about a situation where the husband dug ditches in the property (not just ate the produce). That is something he has no right to do, and therefore, it can act as a chazakah, which the wife must protest.
 - **Q:** We have learned that **R' Nachman in the name of Rabbah bar Avuha** said, that there is no such thing as a chazaka for damage (so how can there be a chazaka based on the damage of digging ditches)!? **A:** We can say that he means that it doesn't create a

chazakah that needs 3 years, but rather creates an *immediate* chazakah. **A2:** We have learned regarding **R' Nachman's** statement that **R' Mari** said, a chazaka can only not be established for smoke damage. **R' Zvid** said a chazaka can only not be established to use something as a bathroom.

- **R' Yosef** said that **Rav** is referring to a married woman having to protest possession of someone other than her husband, and the case is that this person began eating the produce while her husband was still alive, and continued to do so for 3 years after the husband's death. In this case, the occupant would be believed to say "You sold it to your husband, who sold it to me", with a miguy that he could have simply said, "you sold it to me".
- We have learned that **Rav** said, one cannot establish a chazakah in the property of a married woman. The dayanim of the golus (referring to **Shmuel and Karna**) said that one can establish a chazakah in the property of a married woman. **Rav** said, we pasken like the dayanim of the golus. **R' Kahana and R' Assi** asked **Rav**, "did you retract from your earlier psak?" **Rav** answered, what I meant is that their psak is appropriate in the set of circumstances of **R' Yosef**.