



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

### Bava Basra Daf Nun Aleph

V'LO L'ISHA B'NICHSEI BAALAH...

- **Q:** This is obvious!? Since the wife is supported by the husband, her eating of the produce is her support, not a sign of ownership!? **A:** The case is where the husband designated a piece of land from which she was to take food for her support, and she went and ate the produce from different land. The Mishna teaches, that even then it does not establish a chazakah.
- **Q:** The Mishna suggests that although she cannot establish a chazakah, if she were to produce proof that she bought a field from her husband (e.g. she produces the document of sale), it would be a valid sale. Why can't the husband say that he "sold" her the field in form only, to try and see if she had any money hidden? Should we learn from here that if a husband sells a field to his wife and then makes that claim, that the sale would be valid? **A:** The Mishna means, that if she claims it was given to her as a gift, and she is able to produce the gift document, it would be a valid gift.
  - **R' Nachman** said to **R' Huna**, you were not in Beis Medrash last night when we taught some fascinating things. **R' Huna** asked what was taught. **R' Nachman** said, we taught that if someone sells a field to his wife, she is koneh, and we don't say that his intention was to see if she had any hidden money. **R' Huna** said, that is obvious! Even if the money can't act as the kinyan, the fact that he gave her a document does, because a person can be koneh land with money, a document, or chazakah! **R' Nachman** said, **Shmuel** said that a document only acts a kinyan for a *gift* of land, but a sale would need a transfer of money as well. That is why we had to teach that the sale to the wife is a valid sale. **R' Huna** asked, **R' Hamnuna** asked on **Shmuel** from a Braisa that says that a sale of land can be koneh with a document alone!? **R' Nachman** said, **R' Hamnuna** himself answered, that the Braisa is talking about the sale of inferior land, and it is only in that case that a document alone would suffice.
    - **R' Ashi** said that the Braisa is referring to a case where the husband *gifted* the field to his wife, but wrote in the document that he was selling it to her, so that her position be strengthened like that of a seller, in that if the field is ever taken from her, she would be able to sue her husband for reimbursement of the value of the field.
    - **Q:** A Braisa says, if someone borrowed money from his slave and then freed him, or from his wife and then divorced her, and in each case he had written a promissory note, he does not have to repay the loan. Presumably, this is because he can claim that he intended to see if they were hiding any money, and never meant to obligate himself to pay. This contradicts **R' Nachman**!? **A:** The case of a loan is different than **R' Nachman's** case of a sale. We assume that no person would voluntarily make himself into a debtor for money that is truly his own. However, when it comes to selling something, we would say that he truly meant to sell the property.
  - **R' Huna bar Avin** said, if a man sells a field to his wife, the sale is effective, and the husband is entitled to eat the produce of that field (as with any field that the wife owns). However, **R' Abba**, **R' Avahu**, and all the Gedolei Hador said that the husband would not be entitled to the produce, because in truth he gave it to her as a gift (in which case he would not be entitled to the produce) and the reason he wrote in the document that he sold it to her was so that she receive the benefits of a buyer.
    - **Q:** A Braisa says, if someone borrowed money from his slave and then freed him, or from his wife and then divorced her, and in each case he had written a promissory note, he does not have to repay the loan. Presumably this is because

he can claim that he intended to see if they were hiding any money, and never meant to obligate himself to pay, which is contrary to the views, above!? **A:** The case of a loan is different than the case of a sale. We assume that no person would voluntarily make himself into a debtor for money that is truly his own. However, when it comes to selling something, we would say that he truly meant to sell the property.

- **Rav** said, if a man sells a field to his wife, the sale is effective, and the husband is entitled to eat the produce of that field (as with any field that the wife owns). However, if he gives it to her as a gift, he is not entitled to the produce. **R' Elazar** says that in both these cases the wife would be koneh, but the husband would not be entitled to the produce.
  - **R' Chisda** paskened in practice like **R' Elazar**. **R' Ukva** and **R' Nechemya**, the grandsons of **Rav**, asked him, “you have decided not to follow the great one (**Rav**) and to instead follow the smaller one (**R' Elazar**)? **R' Chisda** said, I have followed other great ones by paskening as I did, because **Ravin in the name of R' Yochanan** said like **R' Elazar** said.
  - **Rava** said, the halacha is that if a man sells a field to his wife she is not koneh and the husband eats the produce of the field, but if he gives it to her as a gift, she is koneh and the husband is not entitled to the produce of the field.
    - **Q:** If she is not koneh, the husband obviously continues to keep the produce, so why does **Rava** say that he keeps the produce, which suggests that she is koneh something? **A:** When **Rav** said she is not koneh the field he was referring to a case where she bought the field with money that was hidden. Where he said that the husband keeps the produce, meaning that she is koneh the field, he is referring to where she bought the field with money that the husband knew about all along. In fact, we find that **R' Yehuda** makes this exact distinction.