



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 Gimmel

- **R' Huna** said, if a dying person wrote away all his possessions to someone else, we make a determination – if this person is fit to inherit the dying person he takes the possessions as an inheritance, and if he is not, he takes them as a gift. **R' Nachman** said to him, why are you stealing? If you hold like **R' Yochanan ben Broka**, simply say the halacha follows **R' Yochanan ben Broka**, because what you have said follows the view of **R' Yochanan ben Broka**! Maybe you were referring to a case where a man was dying and the people asked him, “do you want your possessions to go to ploni?”, and the dying person answered, “who else would I want it to go to?”, and you (**R' Huna**) said that if this person is fit to inherit the dying person he takes the possessions as an inheritance, and if he is not he takes them as a gift? **R' Huna** said, “yes, that is the case I was referring to”.
  - **Q:** What difference does it make whether the person takes it as an inheritance or as a gift? **R' Ada bar Ahava** thought to say in front of **Rava**, that the difference would be that if the person was fit to inherit, then the dying man's widow would be supported from the possessions, and if he was not, she would not be. **Rava** said, if when the property is given as a D'Oraisa inheritance, the widow gets supported from it, then when it is given as a D'Rabanan gift she should not be in any worse position to be supported from the possessions!? **A:** Rather, **Rava** said, it is like **R' Acha bar Avya** sent, that according to **R' Yochanan ben Broka**, when someone says, “Ploni should inherit me and after his death it should go to Ploni 2”, and Ploni was someone who was fit to inherit, then upon Ploni's death it goes to Ploni's heirs and *not* to Ploni 2, because it was given using the verbiage of inheritance, and inheritance doesn't come to an end.
    - **Q:** **Rava** asked **R' Nachman**, but the inheritance did come to an end based on the statement of the one who was giving it away!? **A:** That person thought that he could bring it to an end, but D'Oraisa it cannot be brought to an end. Therefore, his stipulation goes against the Torah and it therefore has no effect.
    - There was a dying person who said, “Ploni should inherit me and after his death it should go to Ploni 2”, and Ploni was someone who was fit to inherit and he died. Ploni 2 went to claim the estate. **R' Illish** thought to say that Ploni 2 does get something. **Rava** told him, that is incorrect, based on the halacha sent by **R' Acha bar Avya**.

### MISHNA

- If a man writes over his possessions to other people and leaves his children without an inheritance, what he has done is done, but the Chachomim are not happy with what he did. **R' Shimon ben Gamliel** says, if he did so because his children were not acting properly, he has done a good thing.

### GEMARA

- **Q:** Do the **Rabanan** (the **T"K**) agree with **R' Shimon ben Gamliel** or not? **A:** We can answer from a story that took place. Yosef ben Yoezer had a son who was not acting properly and therefore gave a purse full of golden dinars that he owned, to hekdesch. This son then married the daughter of the one who made the crowns for King Yannai. When she gave birth, the son bought a fish and found a rare jewel inside. His wife told him not to try to sell it for the king, because it will not fetch a high price, rather to sell it to the gizbar of the Beis Hamidkash, who will offer a much higher price. The gizbar offered 13 purses of gold dinars, but only had 7 on hand. The son told the gizbar that he will take the 7 and will give the other 6 to hekdesch. They then wrote, “Yosef ben Yoezer brought in one purse of gold dinars, and his son brought in 6!” Others said

that they wrote, "Yosef ben Yoezer brought in one purse of gold dinars, and his son took out seven!" Now, from the fact that they wrote that the son brought money into hekdesch, we can see that he did a good thing by disinheriting his son (and was therefore rewarded with his son doing teshuva).

- The Gemara says, from the fact that they wrote that the son took money out of hekdesch, it shows that Yosef ben Yoezer did not do a good thing by disinheriting him! Rather, from this story we cannot bring a proof at all.
- **Q:** How do we come out on this matter? **A:** We find that **Shmuel** told **R' Yehuda**, "You should not be present when one transfers an inheritance, even from a bad son to a good son."
- A Braisa says, it once happened that a person had sons who were not acting properly, so he gave all his possessions to **Yonason ben Uziel**, who then went and sold 1/3, was makdish 1/3, and gave the remaining 1/3 to the sons of the person. **Shammai** went to **Yonason** and demanded that he take back the 1/3 that he gave to the sons. **Yonason** told him, if you can tell me that I can take back what I sold and what I was makdish, then you can tell me to take back what I gave to the sons. If you can't, then you can't tell me to take it back from the sons either. **Shammai** said, "**Ben Uziel** has bested my argument".
  - **Q:** What did **Shammai** hold initially? **A:** Initially he thought that **Yonason ben Uziel** had no right to give any of the possessions back to the sons, based on a story in a Mishna. The Mishna says, it once happened in Beis Choron that a father was assur to benefit from his son based on a neder. The son was marrying off his own son and wanted his father to be able to come and eat at the wedding. He went to another person and said "The entire chatzer and all the food are given to you as a gift, so that my father should be able to come and partake in the wedding". The person then said, if you are giving all this to me, I hereby give it all to hekdesch. The son said back to him, I only gave it to you to allow my father to come and you therefore don't have the right to make it hekdesch! The person said, if so they are not really mine and therefore your father is assur to come and participate! The **Chachomim** thereby said, any gift which doesn't give the recipient the rights to make the items hekdesch is not considered to be a gift at all. **Shammai** felt, that similar to that case, although there was no express stipulation made, it is as if the person stipulated that **Yonason** not give the assets to the person's sons.