



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 Zayin

- **R' Yochanan** said, the halacha follows **R' Shimon ben Gamliel** (quoted above, that if one sells property to which he only has rights to the produce, the sale would be effective). However, he said that even **R' Shimon ben Gamliel** would agree that if this person gave away the field when he was dying, it would not be an effective gift, and the person who was supposed to take possession of the property after the first person died, would take possession. **Abaye** explained, the reason for this is that the gift of a dying person does not take effect until after his death, and after his death it is no longer his to give.
 - **Q:** How can **Abaye** have said that when we have learned that **Abaye** says the recipient of a gift of a dying man is koneh the gift at the moment before death!? **A: Abaye** retracted from this second statement.
 - **Q:** Maybe he retracted from the first statement, not the second? **A:** He must have retracted from the second statement, because a Mishna says that a get that is given by a person to take effect "after my death" is not a valid get, because it does not take effect until after death. We would say that the same would be true for a gift, that it would not take effect until after death.
- **R' Zeira in the name of R' Yochanan** said, the halacha follows **R' Shimon ben Gamliel**, and this applies even if the property included slaves that were sent out free by the first person.
 - **Q:** This seems obvious!? **A:** Setting a non-Jewish slave free is an issur. We would think that the second person could say that the slaves were not given to the first person so that he commit an issur.
- **R' Yosef in the name of R' Yochanan** said, the halacha follows **R' Shimon ben Gamliel**, and this applies even if the first person made some of the property into tachrichin for a dead person.
 - **Q:** This seems obvious!? **A:** We would think that the second person can say that the first person was not given the property to make them assur b'hana'ah (which is what happens to tachrichin).
- **R' Nachman bar R' Chisda** darshened, if a person gave an esrog as a gift to Ploni 1 and said, "this is given to you, and after you it should be given to Ploni 2", and Ploni 1 then used the esrog to be yotzei the mitzvah on Succos, whether or not he is yotzeh will be dependent on the machlokes between **Rebbi and R' Shimon ben Gamliel**.
 - **Q: R' Nachman bar Yitzchak** asked, their machlokes is only regarding whether rights to produce is considered to be ownership of the property. In this case with the esrog, if Ploni 1 can't be yotzeh with it, why was it given to him as a gift at all!? **A:** Rather, regarding being yotzeh, all would agree that he could use it to be yotzeh. The machlokes would be relevant in regard to whether he can eat or sell the esrog.
 - **Rabbah bar R' Huna** said, if brothers used money from an undivided estate to buy an esrog, and one of them used the esrog for the mitzvah without asking his brothers, if he would have been allowed to eat the esrog, he is yotzeh the mitzvah, but if not he is not yotzeh. Now, this applies only if there was an esrog for each of the brothers.
 - **Rava** said, if someone gives an esrog to another as a gift on a condition that it is returned to him, and the recipient took it and used it for the mitzvah, if he returns it he is yotzeh, and if he does not, he is not yotzeh. **Rava** is teaching that a gift with a condition to return it is considered to be a valid gift.
 - There was a woman who had a date tree in **R' Bibi bar Abaye's** property, and it bothered him when she would walk through his field to harvest the fruit. She decided to give a life interest in the tree to him. He then went and gave it to his minor son (so that it not return to the woman after his death). **R' Huna the son of R' Yehoshua** said, what he did would not work. Even according to **R' Shimon ben Gamliel**, the person with the

life interest can only prevent transfer of the remainder interest if that second person is a person other than the initial owner.

- **Rava in the name of R' Nachman** said, if a person says, "this ox is given to you as a gift on the condition that it is returned to me", and the recipient is then makdish the ox and returns it to the giver, the ox is hekdesch and is considered to be returned. **Rava** said to **R' Nachman**, he has not returned anything (because the ox is hekdesch)!? **R' Nachman** said, he gave him back a complete, physical ox. **R' Ashi** said we examine the language of the giver. If he said "on condition that you return it", it becomes hekdesch, because the physical ox has been returned. If he said, "on condition that you return it to me", it would not become hekdesch, because that statement means he must return something that can be useful to the owner, and this ox of hekdesch is not useful to him.