



בס"ז

Intro

Today we will בע"ה learn דף קמ"ו of מסכת בבא בתרא of מסכת בבא בתרא Some of the topics we will learn about include.

The Mishnah's Halachah regarding השולח סבלונות לבית חמיו

If a person gave a woman Kiddushin and he sent her gifts in the amount of one מנה, if afterward he or she died or he divorced her, whether or not he gets back the gifts, or reimbursement for them, depends on several factors:

1.

Whether it was סבלונות העשויין ליבלות

Perishable gifts such as fruits

OR

סבלונות שאין עשויין ליבלות

Non-perishable gifts such as jewelry;

2.

And whether it was

בסתם

He did not specify whether these gifts are for her use before marriage or after marriage, or

פירש

He did specify for before or after marriage.



B :

Whether

אכל שם סעודת חתן

OR

לא אכל שם סעודת חתן

Whether he ate a דינר's worth of food at the bride's home;

The Mishnah's Halachah of

שכיב מרע שכתב כל נכסיו לאחרים

If a dying person assigned all his assets to someone, and then עמד, he recovered;

Whether or not he can retract from the gift depends on whether

שייר קרקע כל שהוא

He kept for himself even a small parcel of land,

לא שייר קרקע כל שהוא

If he did not keep any land for himself

The sources for the Mishnah's opinion of אזלינן בתר אומדנא

Bais Din considers the intent of people in general, and a person gives away all his land only on condition that he dies,

אע"פ שלא פירש

Even though he did not specify so;









So let's review ...

Zugt Di Mishnah השולח סבלונות לבית חמיו

שלח שם מאה מנה

If a man gave a woman Kiddushin and he sent her gifts in the amount of one מנה;

And as the Gemara explains, these were

סבלונות העשויין ליבלות

They were perishable gifts such as fruits;

And they were sent

בסתם

He did not specify whether these gifts are for her use before or after marriage;

The Mishnah rules that it depends on the following: אכל שם סעודת חתן אפילו בדינר

אינן נגבין

If he ate a ידיגר's worth of food at the bride's home, he cannot collect reimbursement, because as the Rashbam explains

מחמת חיבת שמחת אכילה

מחל

תחם, one forgives perishable gifts through the intimacy of the meal. $\ensuremath{\mathbb{B}}$

לא אכל שם סעודת חתן הרי אלו נגבין

If he did not eat at the bride's home then he can collect reimbursement because one does not forgive these gifts if there was no intimacy.

The Rashbam adds from the gemara later סבלונות שאין עשויין ליבלות

אין נגבין

If they were non-perishable gift such as jewelry, even if he did eat at the bride's home he can collect reimbursement, because מכחם, one does not forgive a non-perishable gift.

השולח סבלונות לבית חמיו שלח שם מאה מנה

If a man gave a woman Kiddushin and he sent her gifts in the amount of one מכה;

תבאונות דיצאניין אידאות They were perishable gifts such as fruits

כסתם

He did not specify whether these gifts are for her use before or after marriage

לא אכל שם סעודת חתן הרי אלו נגביי

If he did not eat at the bride's home then he can collect reimbursement

Because one does not forgive these gifts l there was no intimacy אכל שם סעודת חתן אפילו בדינר אינן נגבין

If he ate a דער's worth
at the bride's home,
he cannot collect
reimbursement
מחמת חיבת
שמחת אכילה
שמחת אכילה

The Rashbam adds from the gemara later סבלונות שאין עשויין ליבלות אין נגבין

If they were non-perishable gift such as jewelry, even if he did eat at the bride's home he can collect reimbursement Because pros, one does not forgive a non-perishable gift



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2.

The Mishnah continues,

שלח סבלונות מרובין שיחזרו עמה לבית בעלה הרי אלו נגבין

If he sent large gifts, and פירש, he specified that its use is also for after marriage, then in all cases he can collect reimbursement, because he clearly was not מוחל the gifts. סבלונות מועטין שתשתמש בהן בבית אביה אין נגבין

If he sent small gifts and specified its use for before marriage, then in all cases he cannot collect reimbursement, because he clearly was מוחל the gifts.

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2

The Mishnah continues...

שלח סבלונות מרובין שיחזרו עמה לבית בעלה הרי אלו נגבין פירש

He specified that its use is also for after marriage, then in all cases he can collect reimbursement Because he clearly was not how the gifts



סבלונות מועטין שתשתמש בהן בבית אביה אין נגבין

If he sent small gifts and specified its use for before marriage, then in all cases he cannot collect reimbursement

Because he clearly was hin the gifts







The Gemara discusses three questions regarding the Halachah

סבלונות העשויין ליבלות ואכל שם סעודת חתן

אינן ניגבין

The groom actually ate at the bride's home.

1.

שתה

מאי

What is the Halachah if the groom only drank, but did not eat? OR

שלוחו

מאי

What is the Halachah if the groom's agent ate the meal, not the groom? OR

שגר לו

מאי

What is the Halachah if they sent the groom food to eat elsewhere, but not in the bride's home.

In all these cases, do we say

ניגביו

The groom can collect reimbursement, because there was no intimacy? OR

אין ניגבין

There is no distinction and even in these cases he cannot collect?

The Gemara discusses three questions regarding the Halachah סבלונות העשויין ליבלות ואכל שם סעודת חתן

> איכן ביגבין The groom actually ate at the bride's home



שתה מאי?

What is the Halachah if the groom only drank, but did not eat?

שלוחו מאי?

What is the Halachah if the groom's agent ate the meal, not the groom?

שגר לו מאי?

What is the Halachah if they sent the groom food to eat elsewhere, but not in the bride's home

In all these cases, do we say...

אין ניגבין

There's no distinction and even in these cases he cannot collect reimbursement?



He can collect reimbursement, because there was no intimacy?







2.

מהו שישלש

If the groom ate only a half דינר worth of food, not one אידינר worth;

Do we say that he was מוחל proportionally only half the gifts and he can still collect the other half?

There is no distinction, and even in this case he was מוחל all the gifts.

סבלונות העשוין ליבלות
 ולא בלו

מהו

If the perishable gifts were still intact and were not consumed;

Do we say

ניגבין

He was not מוחל the actual item and he can collect them; OR

There is no distinction and even here אין ניגבין









The Gemara also asks regarding the Halachah סבלונות שאין עשויין ליבלות ניגבין

שבח סבלונות מהו

If he sent along a sheep and she gave birth, does the groom also collect the profits, the lamb, or not?

Do we say

כיון דאי איתנהו לדידיה הדרי

ברשותיה שבוח

Since if the mother sheep was intact, she is returned to him; therefore her was also belongs to him.

OR

כיון דאי אבדי או מגנבי בעי שלומי ליה

ברשותא דידה שבוח

Since the bride's family is liable if the mother sheep was lost or stolen; therefore her שבת belongs to them.

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The Gemara concludes with the following distinction regarding the Halachah

סבלונות העשויין ליבלות

ואכל סעודת חתן

אינן ניגבין

Only if it was

מתה היא

The bride died: or

מת הוא

The groom died; or

הדר הוא

The groom retracted from the marriage;

מאכל ומשתה לא הדר

Only here he was מוחל perishable gifts such as food and drink, and they are not returned to him. However,

הדרא בה איהי

הדרא אפילו כישא דירקא

If the bride retracted from the marriage, he was not מוחל even perishable gifts, and they must be returned to him.

The Gemara concludes with the following distinction regarding סבלונות העשויין ליבלות ואכל סעודת חתן אינן ניגבין מת הוא הדר הוא מתה היא The groom The bride He retracted died from the died marriage

מאכל ומשתה לא הדר

מוחל Only here he was perishable gifts such as food and drink, and they are not returned to him

הדרא בה איהי

הדרא אפילו כישא דירקא

If the bride retracted from the marriage, he was not מוחל even perishable gifts, and they must be returned to him

Zugt Di Mishnah

שכיב מרע שכתב כל נכסיו לאחרים

If a dying person assigned all his assets to someone and then עמד, he recovered, whether or not he can retract from the gift depends on the following:

שייר קרקע כל שהוא

מתנתו קיימת

If he kept for himself even a small parcel of land, then regardless of whether he dies or recovers, the gift is effective, because as the Rashbam explains דשלא מדאגת מיתה נתן

Since he kept something for himself, he apparently still hopes to recover, and he gave the gift unconditionally, regardless of whether he dies or not;

However.

לא שייר קרקע כל שהוא

אין מתנתו קיימת

If he did not keep any land, then it depends:

If he died, the gift is effective, but if עמד, he recovered, the gift is not effective, because ®

שמחמת מיתה נתן

Since he did not keep anything for himself, he apparently has no hopes to recover, and he gave the gift only on condition that he dies, but not if he recovers.

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The Gemara elaborates:
Apparently the Mishnah holds
אזלינן בתר אומדנא

Bais Din considers the intent of people in general, and a person gives away all his land only on condition that he dies, אע"פ שלא פירש, even though he did not specify so.

The Gemara suggests two sources for אזלינן בתר אומדנא

1.

רב נחמן says that the Mishnah is רב מנסיא in the following Braisa:

הרי שהלך בנו למדינת הים ושמע שמת בנו

ועמד וכתב כל נכסיו לאחרים

ואחר כך בא בנו

If someone's son traveled abroad and when the father heard that his son died, he assigned all his assets to others, and then afterward his son did return.

רבי שמעון בן מנסיא says

אין מתנתו מתנה

שאילו היה יודע שבנו קיים לא כתבן

The מתנה is not effective, because had the father known that his son was alive he would not have assigned them to others, even though he did not specify so.

And accordingly, in our case

שכיב מרע

שלא שייר קרקע כל שהוא

אין מתנתו קיימת

Because

אזלינן בתר אומדנא

אע"פ שלא פירש

hold חכמים while the

מתנתו מתנה

The מתנה is effective, and his son does not inherit the assets, because we do not consider the father's intentions if he did not specify so.

And accordingly in our case

שכיב מרע

שלא שייר קרקע כל שהוא

מתנתו קיימת

The חכמים would hold that even if he did not keep any land and he recovers, the gift is effective, because לא אזלינן בתר אומדנא

היכא דלא פירש









9 2.

רב ששת says the Mishnah is רב שמעון שזורי in the following Mishnah in מסכת גיטין:

בראשונה היו אומרים

היוצא בקולר ואמר כתבו גט לאשתי

הרי אלו יכתבו ויתנו

At first, the רבנון instituted that someone being led to his execution who asked that a גע be written for his wife, but did not specifically instruct that it should be delivered, the גע should nevertheless be written AND delivered, because we assume that he wants it to be given even though he did not specify so.

חזרו לומר

אף המפרש והיוצא בשיירא

They subsequently extended this ruling to someone setting out to sea or to the desert as well.

רבי שמעון שזורי אומר

אף המסוכן

This Halachah also applies to someone who is very sick.

Accordingly, in our case

שכיב מרע

שלא שייר קרקע כל שהוא

אין מתנתו קיימת

Because

אזלינן בתר אומדנא

אע"פ שלא פירש

(

sell הי says the Mishnah is יאנין לאון לאריי in the following Mishnah in אסכת שילין

בראשונה היו אומרים היוצא בקולר ואמר כתבו גם לאשתי הרי אלו יכתבו ויתנו

At first, the און instituted someone being led to his execution who asked that a בע be written for his wife, but did not instruct that it be delivered, the should nevertheless be written AND delivered

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Accordingly, in our case

שכיב מרע שלא שייר קרקע כל שהוא אין מתנתו קיימת

> Because EJ3NIK 2N3 JJ155K Oro EN 3"YK



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