



בס"ו

Intro

Today we will בע"ה learn ססכת בבא בתרא of א דף ק"ל learn כסכת בבא בתרא Some of the topics we will learn about include.

A discussion regarding a person who bequeaths to someone a general gift of מטלטלין, moveable assets; what items are included?

The question of whether בלשון בני אדם,

עבדא כמקרקעא

או כמטלטלא דמי

Regarding a gift, do people consider a slave, קרקע or מטלטלין?

Perhaps,

עבדא כמקרקעא

An עבד is like ערקע, as he is considered regarding many Halachos of the Torah?

OR

כמטלטלא דמי

An מטלטלץ is like מטלטלץ, because he is mobile?

עבד גמר לה לה מאשה דבעינן גט כריתות

The Torah requires a divorce to be a document which clearly severs their bond; and this Halachah is extended to עבדים by means of a אוירה שוה.

כתובת אשה מקרקעא הוא

Because

אמקרקעי תקינו רבנן

ממטלטלי לא תקון רבנן

The חכמים initiated that a woman collects her Kesubah only from מטלטלין but not from מטלטלין.

חמשה עד שיכתבו כל נכסיהם

There are five forms of acquisition in which the Halachah applies only if the person assigned ALL his assets, but the Halachah does not apply if he only assigned the majority of his assets.

ואלו הן

שכיב מרע

עבדו

אשתו

ובניו מברחת

מברחת

Refers to the following;

When a woman gets married, her husband acquires the rights to the profits of all her assets, known as נכסי מלוג. However, a wife can prevent her assets from becoming by writing a שטר מברחת before marriage that she is giving away ALL of her assets to another person. But these assets do not become the property of the recipient; rather, she still retains ownership.

A discussion regarding אמר נכסי לפלניא

A person who states;

"My assets shall be given to so and so;" What items can be referred to as ינכסי?

מטלטלין
What items are included?

ארון ביי אדי ארי ארי ארי ארי און במטלטלא דמי
עבד גמר לה לה מאשה
דבעינן גט כריתות







So let's review ...

The Gemara in the previous Daf had discussed whether the שכיב מרע retained some מטלטלין or מטלטלין.

Therefore, the Gemara proceeds with a related discussion regarding a person who bequeaths a general gift of מטלטלין;

What items are included in the term מטלטלין?

If he says;

מטלטלי לפלניא

My moveable assets shall be given to-and-so; כל מאני תשמישתיה קני

לבר מחטי ושערי

All his utensils are included, aside from his food items such as wheat and barley, and his livestock. Those are not included.

If he added

כל מטלטלי לפלניא

ALL my moveable assets shall be given to and so; then אפילו חטי ושערי

ואפילו ריחים העליונה קנה

His wheat and grain, and even the upper millstone, are included, because as the Rashbam explains שרגילים ליטלה משם כדי לתקנה

It is usually removed for repairs.

However,

לבר מריחים התחתונה

The lower millstone is not included, because במקומה מתקנין אותה

It is usually repaired in place.

Dedicated By: _

And if he added

כל דמטלטל

All that is moveable shall be given to so and so; אפילו ריחים התחתונה קני

Even the lower millstone is included, because it can be moved.

A person who bequeaths a general gift of מטלטלין; What items are included in the term מטלטליו



If he says;

מטלטלי לפלניא

My moveable assets shall be given to-and-so;

כל מאני תשמישתיה קני לבר מחטי ושערי

All his utensils are included, aside from his food items such as wheat and barley, and his livestock. Those are not included.



If he added

כל מטלטלי לפלניא

ALL my moveable assets shall be given to and so;

אפילו חטי ושערי ואפילו ריתים העליונה קנה

His wheat, grain, and even the upper millstone, are included,

שרגילים ליטלה משם כדי לתקנה



לבר מריחים התחתונה

The lower millstone is not included,

במקומה מתקנין אותה



כל דמטלטל

All that is moveable shall be given to so and so;

אפילו ריחים התחתונה קני

Even the lower millstone is included, because it can be moved.







2

The Gemara inquires

איבעיא להו

עבדא כמקרקעא

או כמטלטלא דמי

Regarding the above Halachah of a gift, בלשון בני אדם, do people consider a slave מטלטלין or מטלטלין?

Perhaps

עבדא כמקרקעא

An עבד is like קרקע, as he is considered regarding many Halachos of the Torah?

OR

כמטלטלא דמי

An עבד is like מטלטלין, because he is mobile?









3 רבינא attempts to bring proof from the following Braisa הכותב כל נכסיו לעבדו

יצא בן חורין

If someone writes over ALL his possessions to his slave, the slave, who is also one of his possessions, is thereby set free.

However,

שייר קרקע כל שהוא

לא יצא בן חורין

If the master kept ANY land for himself, the slave does not go free.

And

רבי אלעזר comments; עשו מטלטלין שיור אצל עבד

ולא עשו מטלטלין שיור אצל כתובה

Regarding a slave, even שיור, and the slave does not go free, because the master might have meant to include him in the ...

But regarding the Halachah of Kesubah, מטלטלין is not a שור a, and the wife does not lose her Kesubah.

And בחכן explains the distinction between כתובה and כתובה as follows:

עבדא מטלטלא הוא

ומטלטלא למטלטלא

הוי שיור

A slave is considered מטלטלין. Therefore, other מטלטלין can be a שיור for a slave who is also מטלטלין. However, וכתובת אשה מקרקעא הוא

ומטלטלא למקרקעא לא הוי שיור

A Kesubah is collected only from קרקע. Therefore, מטלטלין. annot be a שיור for a Kesubah that is not מטלטלין.

Apparently, we see from here that עבדא כמטלטלא דמי



הכותב כל נכסיו לעבדו יצא בן חורין

If someone writes over ALL his possessions to his slave, the slave, who is also one of his possessions, is thereby set free.

However,

שייר קרקע כל שהוא לא יצא בן חורין

If the master kept ANY land for himself, the slave does not go free.

And 198/k is comments;

ולא עשו מטלטלין שיור אצל כתובה

But regarding the Halachah of Kesubah, עיור is not a מעלעלץ and the wife does not lose her Kesubah. עשו מטלטלין שיור אצל עבד

Regarding a slave, even שיור a מטלטלין and the slave does not go free, because the master might have meant to include him in the שיור

And you ar explains the distinction between 324 and 32112 as follows:

וכתובת אשה מקרקעא הוא ומטלטלא למקרקעא לא הוי שיור

A Kesubah is collected only from קרקע. Therefore, מטלטלין cannot be a שיר for a Kesubah that is not מטלטלין. עבו א מ<mark>טלטלא הוא</mark> ומטלטלא למטלטלא הוי שיור

A slave is considered מטלטלין. Therefore, other מטלטלין can be מיור for a slave who is also מטלטלין.

Apparently, we see from here that

עבדא כמטלטלא דמי



Dedicated By: _





However, רב אשי says that this is not necessarily so.

Perhaps, עבדא כמקרקעי דמי

ארd regarding עבד

מטלטלא הוי שיור

For a different reason, because

משום דלאו כרות גיטא

As the Rashbam explains

עבד גמר לה לה מאשה דבעינן גט כריתות

The Torah requires a divorce to be a document which clearly and totally severs their bond; and this Halachah extends to עבדים by means of a אזירה שוה.

Therefore, since the language of the שטר שחרור allows for the possibility that the owner retained the slave for himself, it is not a 'document of severance', and he does not go free.

======

The Gemara proceeds with other matters for which a שיור would change their Halachah:

אמר רב נחמן

חמשה עד שיכתבו כל נכסיהם

There are five forms of acquisition in which the Halachah applies only if the person assigned ALL his assets, but the Halachah does not apply if he only assigned the majority of his assets:

ואלו הו

שכיב מרע, עבדו, אשתו, ובניו, מברחת

שכיב מרע
 Regarding
 שכיב מרע שכתב כל נכסיו לאחרים
 לא שייר קרקע כל שהוא

If a dying person assigned all his assets to others, only if he gave away ALL his land, leaving nothing for himself, it is considered a מתנה שכיב מרע and if he recovers the מתנה is not effective. However

שייר קרקע כל שהוא

אין מתנתו קיימת

מתנתו קיימת

Dedicated By: _

If he keeps ANY land for himself, even though he gave away most of his assets, it is considered a מתנת בריא, and even if he recovers, the מתנה is effective,



רב אלי This is not necessarily so.

Perhaps, עבדא כמקרקעי דמי

עבד And regarding מטלטלא הוי שיור משום דלאו כרות גיטא

As the Rashbam explains

עבד גמר לה לה מאשה דבעינן גט כריתות The Torah requires a divorce to be a document

which clearly and totally severs their bond; and this Halachah extends also to a אָרָרָרָ אָרָרָּךָ

Therefore, since the language of the 117nl 16l allows for the possibility that the owner retained the slave for himself, it is not a 'document of severance', and he does not go free.



חמשה עד שיכתבו כל נכסיהם

There are 5 forms of acquisition in which the Halachah applies only if the person assigned ALL his assets, but the Halachah does not apply if he only assigned the majority of his assets:

ואלו הן שכיב מרע, עבדו, אשתו, ובניו, מברחת

שכיב מרע



שכיב מרע שכתב כל נכסיו לאחרים לא שייר קרקע כל שהוא אין מתנתו קיימת

If a dying person assigned all his assets to others, leaving nothing for himself, it is considered a מתנת שכיב מרע and if he recovers the מתנה is not effective.

However

שייר קרקע כל שהוא מתנתו קיימת

If he keeps ANY land for himself, even though he gave away most of his assets, it is considered a מתנת בריא, and even if he recovers, the מתנה is effective.







The previously mentioned Halachah of הכותב כל נכסיו לעבדו יצא בן חורין

3. אשתו

הכותב כל נכסיו לאשתו לא עשאה אלא אפטרופא

If a dying person assigned ALL his assets to his wife, she becomes the manager of the estate, but she does not acquire these assets, because as the Rashbam earlier explains

אומד הדעת הוא

דאין אדם מניח את בניו ונותן הכל לאשתו

There is an assumption that a person would not exclude his children from their inheritance. Therefore, we must

לא נתכויו אלא לעשותה אפוטרופא כדי שיחלהו לה בניו כבוד

His intention was merely to appoint his wife to manage the estate, so that his sons will give her proper respect. ®

However, if he keeps ANY assets for himself, his wife does receive these assets, and there is no indication that he appointed her as an אפוטרופוס because he did not exclude his children from their inheritance.



הכותב כל נכסיו לעבדו יצא בן חורין

אשתו



הכותב כל נכסיו לאשתו לא עשאה אלא אפטרופא

If a dying person assigned ALL his assets to his wife. she becomes the manager of the estate, but she does not acquire these assets,

because as the Rashbam earlier explains אומד הדעת הוא

דאין אדם מניח את בניו ונותן הכל לאשתו

There is an assumption that a pa

Therefore, we must say לא נתכוין אלא לעשותה אפוטרופא כדי שיחלהו לה בניו כבוד

However, if he keeps ANY assets for himself, his wife does receive these assets, and there is no indication that he appointed her as an אפוטרופוס because he did not exclude his children from their inheritance.



Dedicated By: ___





6

4. בניו

הכותב כל נכסיו לבניו וכתב לאשתו קרקע כל שהוא אבדה כתובתה

If a dying person assigned all his assets to his sons, and he also assigned even a small portion of land to his wife, leaving nothing for himself, she cannot collect her Kesubah from these assets, because through the gift of אָרָקע she was מוחל, she relinquished her rights to all the assets that her husband currently owns.

The Rashbam explains, however אבל שייר

לא אבדה כתובה

If the שכיב מרע kept ANY land for himself, his wife can collect her Kesubah from ALL the assets, because מיגו דנחתא אהאי שיורא בשביל כתובתה מיגו דנחתא אהאי

נחתא נמי לכולהו נכסי

Since she is still able to collect her Kesubah from this land that he kept for himself, she did not want to upset her husband and object to the מתוה, and she still intends to collect her Kesubah from the other assets as well, and she was not מוחל her Kesubah rights.

בנין



הכותב כל נכסיו לבניו וכתב לאשתו קרקע כל שהוא אבדה כתובתה

If a dying person assigned all his assets to his sons, and also assigned even a small portion of land to his wife, leaving nothing for himself,

she cannot collect her Kesubah from these assets, because through the gift of קרקע she relinquished her rights to all the assets that her husband currently owns.

> The Rashbam explains, however אבל שייר אבלה כתובה

If the You wol kept any land for himself, his wife can collect her Kesubah from all the assets,

מיגו דנחתא אהאי שיורא בשביל כתובתה נחתא נמי לכולהו נכסי

Since she is still able to collect her Kesubah from this land that he kept for himself, she did not want to upset her husband and object to the DIN, and she still intends to collect her Kesubah from the other assets as well, and she was not INN her Kesubah rights.



Dedicated By: ___







5.

מברחת

When a woman becomes married, her husband acquires the rights to the profits of all her assets or belongings known as נכסי מלוג.

However, a wife can prevent her assets from becoming שטר מברחת by writing a שטר מברחת before marriage that she is giving away ALL of her assets to another person. But these assets do not become the property of the recipient; rather, she still retains ownership.

However, the Gemara in מסכת כתובות qualifies: מברחת

צריכה שתכתוב כל נכסיה

Only if she gave away ALL her assets, she retains ownership, because as the Rashbam explains אנן סהדי שלא נתנה לזה

אלא בשביל שרוצה לינשא

There is an assumption that a person would not give away ALL their assets; and this was done merely to prevent the husband from gaining ownership over them.

אבל אם שיירה כל שהוא

קנה המקבל

If she gave away only SOME of her assets, the recipient acquires the assets in the שטר, because a person sometimes does give away even a significant part of their

מברחת



When a woman becomes married, her husband acquires the rights to the profits of all her assets or belongings known as

נכסי מלוג.

However, a wife can prevent her assets from becoming גכסי מלוג by writing a

שטר מברחת

before marriage that she is giving away all of her assets to another person. But these assets do not become the property of the recipient; rather, she still retains ownership.

מברחת צריכה שתכתוב כל נכסיה

Only if she gave away ALL her assets. she retains ownership,

because as the Rashbam explains אנו סהדי שלא נתנה לזה אלא בשביל שרוצה לינשא

אבל אם שיירה כל שהוא קנה המקבל

If she gave away only SOME of her assets, the recipient acquires the assets in the שטר, because a person sometimes does give away even a significant part of their assets.



Dedicated By: __







The Gemara concludes

ובכולהו מטלטלי הוי שיור

לבר מכתובה

For all of the above mentioned Halachos, even moveable assets are considered a שיור, aside from the Halachah of כתב לאשתו קרקע כל שהוא

ונטייר

לא אבדה כתובה

In which only if the שיוע was with קרקע she does not lose her Kesubah, but if the שיוע was with מטלטלין she does lose her Kesubah, because

דאמקרקעי תקינו רבנן

ממטלטלי לא תקון רבנן

The חכמים initiated that a woman collects her Kesubah only from מטלטלין but not from מטלטלין.

אמימר says מטלטלי דכתיבי בכתובה ואיתנהו בעינייהו הוי שיור

If he wrote מטלטלין into his Kesubah and they were still intact, if the שיור was with these מטלטלין, she does lose her Kesubah.

======

8

ובכולהו מטלטלי הוי שיור לבר מכתובה

For all of the above mentioned Halachos, even moveable assets are considered אַעיר ב

Aside from the Halachah of

כתב לאשתו קרקע כל שהוא ושייר

לא אבדה כתובה

Only if the קרקע was קרקע she does not lose her Kesubah, but if the מטלטלין was with מטלטלין she does lose her Kesubah, because

דאמקרקעי תקינו רבנן ממטלטלי לא תקון רבנן

The חכמים initiated that a woman collects her Kesubah only from מטלטלין but not from מטלטלין.



מטלטלי דכתיבי בכתובה ואיתנהו בעינייהו

הוי שיור

If he wrote מטלטלין into his Kesubah and they were still intact, if the מטלטלין was with these מטלטלין, she does lose her Kesubah.



Dedicated By: ___





The Gemara proceeds with a discussion regarding אמר נכסי לפלניא

A person who said, "My assets shall be given to so and so;" What items are included in the term יכסי?

And the Gemara rules, and brings proof, as follows:

1.

עבדא איקרי נכסי

A slave is called נכסי, as a Mishnah states הכותב כל נכסיו לעבדו יצא בו חורין

2.

ארעא איקרי נכסי

Land is called נכסי, as a Mishnah states

נכסים שיש להן אחריות

נקנין בכסף ובשטר ובחזקה

And this refers to land.

3.

גלימא איקרי נכסי

A garment is called נכסי, as the Mishnah continues ושאין להן אחריות

אין נקנין אלא במשיכה

And this refers to all moveable objects, including garments.

4.

זוזי איקרי נכסי

Money is called נכסי, because the Mishnah that refers to קנין אגב states

ושאין להן אחריות נקנין עם נכסים שיש להן אחריות בכסף ובשטר ובחזקה

And as רב פפא transferred money through קנין אגב;

5.

שטרא איקרי נכסי

A documented loan is called נכסי, as רב הונא rules that one can transfer a שטר through.

6.

בהמה איקרי נכסי

An animal is called נכסי, as a Mishnah states המקדיש נכסיו והיתה בהן בהמה ראויה לגבי מזבח זכרים עולות זכרים עולות ונקבות ימכרו לצרכי זבחי שלמים

7.

עופות איקרי נכסי

Birds are called נכסי, as the following Mishnah states המקדיש נכסיו והיו בהן דברים הראויין לגבי מזבח יינות שמנים ועופות

8.

ה. תפלין איקרי נכסי נכסי are called נכסי, as a Mishnah states המקדיש נכסיו מעלין לו תפלין 9

אמר נכסי לפלניא

A person said,

"My assets shall be given to so and so;"
What items are included in the term נכםי



ארעא איקרי נכסי

Land is called ככםי, as a Mishnah states

נכסים שיש להן אתריות נקנין בכסף ובשטר ובתזקה

And this refers to land.



עבדא איקרי נכסי

A slave is called נכסי, as a Mishnah states

הכותב כל נכסיו לעבדו יצא בן תורין

4

זוזי איקרי נכסי

Money is called ככסי, because the Mishnah that refers to קנין אגב states

ושאין להן אתריות נקנין עם נכסים שיש להן אתריות בכסף ובשטר ובתזקה

And as רב **פפ**א transferred money through קנין אגב;



גלימא איקרי נכסי

A garment is called נכסי, as the Mishnah continues

ושאין להן אחריות אין נקנין אלא במשיכה And this refers to all moveable

And this refers to all moveable objects, including garments.



בהמה איקרי נכסי

An animal is called נכסי, as a Mishnah states

המקדיש נכסיו והיתה בהן בהמה ראויה לגבי מזבת זכרים עולות עבבות ומברו

ונקבות ימכרו לצרכי זבחי שלמים



שטרא איקרי נכסי

A documented loan is called כב הונא as, נכסי that one can transfer a שטר frough קנין אגב



תפלין איקרי נכסי

תפילין are called גכסי, as a Mishnah states

המקדיש נכסיו מעלין לו תפלין



עופות איקרי נכסי

Birds are called נכסי, as the following Mishnah states

המקדיש נכסיו והיו בהן דברים הראויין לגבי מזבח יינות שמנים ועופות







10 T

The Gemara however, inquires איבעיא להו ספר תורה מאי איבעיא להו ספר תורה מאי Is a פכר תורה ספר מכסי or not? Perhaps, a ספר תורה is not considered נכסי, because כיון דלא מזדבן דאסור לזבוניה is usually not sold, because one may not sell it.

A נכסי is considered נכסי, because כיון דמזדבן ללמוד תורה ולישא אשה כיון דמזדבן ללמוד תורה ולישא אשה A ספר תורה may be sold to use its proceeds to learn Torah or to marry.

תיקו

This question remains unresolved.





