*14.8.1*
*78a (משנה א') → 79a (ואליבא דר"ש)*

I משנה א': a woman's rights over her property before, during and after אירוסין
- a if she received the property before אירוסין, she may sell it through אירוסין
- b if she received it as an ארוסה, he sale (before נישואין) is valid, however, regarding her rights to sell:
  - i (reason for distinction: if it fell to her pre-אירוסין, it is certainly בזכותה; if after, it may be hers or his
    - 1 → לכתחילה she shouldn't sell, but בדיעבד the sale is valid
  - ii ב"ש – she may sell
  - iii ב"ה – she may not sell
  - iv חכמים: ר' יהודה asked ר"ג why her sale is valid בדיעבד, since the husband has "acquired" her rights
    - 1 *answer*: he's not fully comfortable with the husband's right to veto her sale after marriage…
- c if she received it after marriage and then sold it, all agree that the husband may seize it from the buyer
  - i *challenge*: is this reteaching תקנת אושא – to wit, that the husband seizes the property she sold after she dies
    - 1 *answer*: תקנת אושא addresses the status of property after her death – the capital;
    - 2 *Whereas*: our משנה allows seizure while she's alive, for פירות (she still owns the capital)
- d if she received it before marriage and then sold after marriage:
  - i ר"ג: valid sale
  - ii חכמים: ר' חנינא בן עקביא asked ר"ג why her sale is valid, since the husband has "acquired" her rights
    - 1 *Answer*: he's not fully comfortable with the husband's right to veto her sale after marriage…
    - 2 *Note*: רחב"ע disagreed with רבי יהודה about the challenge to ר"ג
      - (a) his version:
        - (i) *Response*: don't prove status of sale of ארוסה from נשואה, where he has rights over מע"י ומציאה
        - (ii) *Challenge*: what if she sells after marriage?
        - (iii) *Response*: "… not fully comfortable…"
          1. *challenge (to this version)*: ר"ג: if after נישואין she sold property from before נישואין, it is valid
             - a. *implication*: לכתחילה she may not sell this property
             - b. *defense*: proper read is "she may sell (לכתחילה)"
             - c. *answer#2*: ר' יהודה's version of ר"ג (the משנה) v. רחב"ע's version (ברייתא)
               - i. *note*: רחב"ע must maintain that ב"ש/ב"ה never disagreed about selling לכתחילה
  - iii רבותינו: even if it fell to her before אירוסין, the husband may seize it from the buyer

II משנה ב': ר"ש distinguishes between "known" and "unknown" property
- a If she sells "known" property, the husband may seize from the buyers;
- b She may not sell "unknown" property, but if she did so, it is valid and the husband has no rights of seizure
- c Definitions #1 (ר' יוסי בר חנינא):
  - i "known" – real estate (he married her anticipating receiving it)
  - ii "unknown" – chattel
- d definitions #2 (ר' יוחנן) (both real estate and chattel *may* be "known")
  - i "known" – local inheritance
  - ii "unknown" – inheritance from out of the country
- e *story*: widow who tried to hide her assets from her intended husband, wrote them over to her daughter; after she was divorced and wanted them back, the daughter refused to cede them
  - i *in ב"ד*; daughter refused to return them, ר"נ tore up her שטר
  - ii *support*: even שמואל would tear up a שטר מברחת
    - 1 *certainly*: if she wrote it to an outsider, she wouldn't do that except to hide assets,
    - 2 *even*: to her own daughter, she'd rather have the assets herself
  - iii *challenge*: ruling on how to successfully hide assets: she must write a fictitious שטר that also states that it is only valid when she consents
    - 1 *option 1*: if husband tries to claim property, she can consent
    - 2 *option 2*: if husband doesn't try to claim, or dies etc. – she can say she doesn't consent
    - 3 *implication*: if she doesn't write her שטר הברחה with this exact formula, it is a valid gift!
    - 4 *Resolution*: if she wrote all of her property, torn up; if she writes part of it without the formula, it is valid.
    - 5 *Question*: if she doesn't get it, it should go to husband (like any other gift/sale of hers while married)
    - 6 *Answer*: we treat it like an "unknown" asset, following ר' שמעון

 