



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Lamed Aleph

- There were two people arguing over a property, each claiming that it belonged to his father, and one of them brought witnesses that it did belong to his father, whereas the other brought witnesses that he had used the field for 3 years and therefore established a chazaka. **Rabbah** said, this second person had no reason to lie, because he could have said "I bought it from you and established a chazaka". Therefore, he is believed with this miguy to say that he inherited it from his father. **Abaye** said, we don't say a miguy when it is contradicted by witnesses. The person who had been occupying the land (now fearing that he would lose the land) said, "It is truly the land of your fathers, but I bought it from them, and the reason I said it belonged to my father was that I felt so secure in my rights to this field as if I had inherited it".
 - **Q:** May someone advance a claim, then retract it and use a different claim or not? **A:** **Ulla** said that one may do so, and **Nehardai** said that he may not.
 - **Ulla** would agree that if he first claimed "It belonged to my father, and not to your father", that he could not later claim to have bought it from the other person's father. Also, if while standing in front of Beis Din he did not offer his new claim, rather he did so only after he left Beis Din and returned, we would not accept his new claim, because we assume that he was coached to make this claim by someone outside of Beis Din.
 - **Nehardai** would agree, that if the second person said "It belonged to my father who bought it from your father", we would accept this new twist, because it is not a new claim, but is rather an addition to the original claim. Also, if the litigants were discussing their case outside of Beis Din, and when they came to Beis Din one of the litigants made a claim that contradicted the one he told the other litigant previously, the new claim is accepted, because people often will not discuss their true claim until they are in front of Beis Din.
 - **Ameimar** said, I am from Neharda'ah, and yet I hold that one may change his claim and make a new one. The Gemara paskens that one may change his claim and make a new one.
- There were two people arguing over a property, each claiming that it belonged to his father, and one of them brought witnesses that it did belong to his father and that he had used the field for 3 years and established a chazaka, whereas the other brought witnesses that he had used the field for 3 years and therefore established a chazaka. **R' Nachman** said, the two proofs of chazaka cancel each other out, and therefore the one who proved that it belonged to his father will get the property. **Rava** said, one of the sets of witnesses are definitely lying, so we can't believe anything they say! **R' Nachman** said, the witnesses were only contradicted regarding their testimony of chazaka, but not regarding their testimony of his father having owned the land.
 - **Q:** Maybe we should say that **Rava and R' Nachman** argue in the machlokes between **R' Huna and R' Chisda**? We have learned, that if two sets of witnesses contradict each other, **R' Huna** said that they may be believed regarding other testimony, and **R' Chisda** said that they are not believed at all. Maybe we should say that **R' Nachman** holds like **R' Huna**, and **Rava** holds like **R' Chisda**? **A:** It is clear that **R' Nachman** could not follow **R' Chisda**. With regard to **R' Huna**, **Rava** could say that **R' Huna** allowed the contradicted witnesses to give testimony in that case, because the testimony is regarding a completely unrelated matter. However, **Rava** would say that **R' Huna** would agree in our case that they cannot be believed with their testimony on the same field.
 - The case was decided according to **R' Nachman**, and the land was given to the one who had testimony that the land belonged to his fathers. However, the other party later

brought witnesses who testified that the land belonged to his fathers (which put both plaintiffs at equal strength). **R' Nachman** said, we gave the land to the first person when he had the additional testimony. Now that he no longer has an additional testimony on his side, we will remove the land from his possession, and we are not concerned that this looks bad for Beis Din. **Rava** (or **R' Ze'ira**) asked, a Braisa says, if 2 witnesses say a man died and his wife may remarry, and 2 others say that he did not die, or if 2 say she got divorced and 2 others say that she did not, the woman may not remarry, but if she did remarry she need not get divorced. **R' Menachem bar Yose** says she would have to get divorced, but this is only if she got married after the witnesses came and testified. If she married before they came, he would agree that she need not get divorced. We see that we are concerned for Beis Din reversing its earlier decision and looking bad!? **R' Nachman** said, I was going to pasken to reverse the earlier decision. However, since you have asked from the Braisa, and **R' Hamnuna from Surya** also asked from the Braisa, I will not reverse the earlier psak. **R' Nachman** went and reversed the earlier decision. Those who saw him do so thought he must have been mistaken, because he had just said that he would not reverse the earlier decision. However, he was not mistaken. The reason he reversed the decision was that he found great chachomim to rely on, who would allow for a reversal.