



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

### Bava Basra Daf Lamed Ches

#### MISHNA

- There are 3 separate lands with regard to chazakah: Yehuda, the other side of the Yarden, and the Galil (there is little travel between these regions, and a protest from one of these would not become known to the occupant in another).
  - If the owner of a field was in Yehuda and someone attempted to make a chazakah on a field that this owner owns in the Galil, or visa-versa, it does not establish a chazakah, until the owner is with the one occupying the field in the same region.
  - **R' Yehuda** said, the reason that 3 years are needed for chazakah is so that even if the owner is in Spain and someone occupied his field in EY, there is enough time for someone to occupy the field for a year, for someone from EY to then travel for a year to Spain and notify the owner, and for the owner to then travel back for a year to take his land back.

#### GEMARA

- **Q:** What does the **T"K** hold? If he holds that a protest is effective even if it is made not in the presence of the occupant, then even when the owner and the occupant are in different regions, a protest would be effective (but the Mishna seems to say that it would not be effective, because it says that a chazakah would not be established)!? If he holds that such a protest is not effective, then even within one region it should not be an effective protest unless they are in the same city!? **A: R' Abba bar Mamal in the name of Rav** said, really he holds that a protest *is* effective even if it is made not in the presence of the occupant. However, our Mishna was taught at a time when there was fighting between the regions and therefore there was no travel between them. At such a time he would agree that the protest from one region for another is meaningless.
  - **Q:** Why did the Mishna choose Yehuda and Galil as examples? **A:** It teaches that in general, with regard to chazakah, Yehuda and the Galil are like other lands with fighting between them.
- **R' Yehuda in the name of Rav** said, one cannot establish a chazakah on the property of someone who is running away (because he holds that a protest is not effective if it is made not in the presence of the occupant, and therefore a chazakah made would not be a valid chazakah). **R' Yehuda** said, "when I repeated this to **Shmuel**, he said – does a protest have to be made in the occupant's presence? Of course not! Therefore, a chazakah could be established".
  - **Q:** Is **Rav** saying that a protest is not effective if it is made not in the presence of the occupant? **Rav** has said that such a protest *is* effective!? **A:** The statement of **Rav** was made to explain the view of the Tanna of our Mishna (that such a protest is effective), but he himself holds that it is not effective.
  - **Others** say, that **R' Yehuda in the name of Rav** said, one can establish a chazakah on the property of someone who is running away. **R' Yehuda** said, "when I repeated this to **Shmuel**, he said – that is obvious! Does a protest have to be made in the occupant's presence? Of course not! Therefore, a chazakah could be established".
    - **Q:** Is **Rav** teaching that a protest is effective even if it is made not in the presence of the occupant? **Rav** has already taught that elsewhere!? **A: Rav** is teaching, that even if a protest is made in front of 2 witnesses who are not able to relay this protest to the occupant, it is still an effective protest.
    - **R' Anan** said, the ruling of **Shmuel** was explained to me, and he held that if a protest is made in front of 2 witnesses who are not able to relay this protest to

- the occupant, it is not an effective protest. **Rav** disagrees, because he holds that people talk and word gets around and will eventually reach the occupant.
- **Rava** paskened that one cannot make a chazakah on the property of one who is running away, and that a protest made not in the presence of the occupant is an effective protest.
    - **Q:** These two halachos seem to be contradictory!? **A:** The protest not in his presence is effective when he is running away due to a monetary matter (he is not afraid to give up his location by lodging a protest and can therefore protest from wherever he is). The chazakah is not effective when he is running away from a murder charge (he is afraid to protest, because he is afraid to make his whereabouts known, and therefore a chazakah on his property is ineffective).