



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

### Bava Basra Daf Lamed Tes

- **Q:** What is a properly worded protest? **A: R' Zvid** said, if the owner tells two people "that person (the occupant) is a gazlan", that would not be a valid protest. However, if he tells them, "that person is a gazlan, because he stole my field and tomorrow I will take it back from him in Beis Din", that would be a valid protest.
  - **Q:** If the protestor told the witnesses to the protest, "do not tell the occupant that I protested", would it be a valid protest? **A: R' Zvid** said, he told them not to tell him, so they will surely not tell him, and the protest is ineffective. **R' Pappa** said, he told them not to tell the occupant, but allowed them to tell others, so eventually the occupant will hear about it and it is therefore an effective protest.
  - **Q:** What if the witnesses told the protestor that they will not be notifying the occupant about the protest, is it effective? **A: R' Zvid** said, they said they will not tell him, so they will surely not tell him, and the protest is ineffective. **R' Pappa** said, they said they will not tell *him*, but will tell others, so eventually the occupant will hear about it and it is therefore an effective protest.
  - **Q:** What if the protestor told the witnesses, "do not let a word about my protest even escape your mouth"? **A: R' Zvid** said, he told them that they can say nothing at all, so it is clearly an ineffective protest.
  - **Q:** What if the witnesses told the protestor, "we will not say a word about this to anybody"? **A: R' Pappa** said, they said they will not tell anybody, so it is an ineffective protest. **R' Huna the son of R' Yehoshua** said, if someone is not told to keep something confidential, he eventually discloses. Therefore this is a valid protest.
- **Rava in the name of R' Nachman** said, a protest made not in the presence of the occupant is an effective protest.
  - **Q: Rava** asked **R' Nachman**, our Mishna said, **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. Now, if you are correct that a protest made not in the presence of the occupant is an effective protest, why does the owner need to travel back to EY? Why can't he just make a protest where he is? **A: R' Yehuda** is giving good advice, that the person should physically come to make sure that he prevents the occupant from eating any more of the produce, but it may be that he agrees that a protest made not in the presence of the occupant is an effective protest.
    - **Q:** From the fact that **Rava** questioned **R' Nachman**, it must be that he disagrees and holds that the protest would not be effective. However, we have learned that **Rava** says that a protest made not in the presence of the occupant is an effective protest! **A:** He held that way after he heard this from **R' Nachman**. He questioned him before he heard it and accepted it from him.
- **R' Yose the son of R' Chanina** met the talmidim of **R' Yochanan** and asked them, "Did **R' Yochanan** say how many people the protest must be made in front of?" **R' Chiya bar Abba in the name of R' Yochanan** said that it must be in front of 2 people. **R' Avahu in the name of R' Yochanan** said that it must be in front of 3 people.
  - **Q:** Maybe we can say that they argue in the statement of **Rabbah bar R' Huna**, who said that anything said to 3 people is sure to be disseminated (and therefore would not be subject to lashon harah)? **A:** It may be that they all agree with **Rabbah bar R' Huna**, and the machlokes here is that the one who says it only need be in front of 2 people holds that a protest must be made in the presence of the occupant, and therefore we don't

need it to be disseminated. The one who holds that it must be in front of 3 people holds that the protest is effective even if it is made not in the presence of the occupant. **A2:** We can say that all hold that a protest made not in the presence of the occupant is effective. The machlokes is that the one who holds only 2 are needed, says that they are needed to testify that a protest was made, whereas the one who says 3 are needed, holds they are needed to make sure that the protest is disseminated.

- **Gidal bar Manyumei** had to make a protest. He found **R' Huna, R' Chiya bar Rav, and R' Chilkiyah bar Tuvi**, and made the protest in front of them. A year later he went to them to make the protest again. They told him there is no need to do so, because **Rav** has said that once a protest is made in the first year, there is no need to protest again during the rest of the 3 year period.
  - **Reish Lakish in the name of Bar Kappara** said, he must, however, make a protest at the end of every 3 year period. **R' Yochanan** said, the first protest makes him a gazlan, and a gazlan can't make a chazakah!
    - **Q:** He is not a convicted gazlan!? **A:** He meant, since there is suspicion that he is a gazlan, he cannot make a chazakah, and therefore no further protest needs to be made.
  - **Rava** paskened, a protest does have to be made at the end of every 3 years.
  - **Bar Kappara** taught, if someone made multiple protests over multiple 3 year periods, if he makes the same claim each time (e.g. the occupant stole the field), it prevents the chazakah from being established. However, if he changes his claim, a valid chazakah is established.