

OVERVIEW of the Daf

1) Protests

R' Zevid and R' Pappa disagree about the validity of a protest where the challenger told the listeners not to relay the protest to the occupant.

R' Zevid and R' Pappa also disagree about the validity of a protest where the listeners informed the challenger that they would not relay the protest to the occupant.

R' Zevid rules that if the protester tells the listeners not to tell anyone about the protest the protest is invalid.

R' Pappa and R' Huna the son of R' Yehoshua disagree about the validity of a protest where the listeners inform the challenger that they do not intend on telling anyone about the protest.

2) A protest when not in the presence of the occupant (cont.)

Rava in the name of R' Nachman rules that a protest that is done when not in the occupant's presence is valid.

Rava unsuccessfully challenges this ruling.

The Gemara notes an apparent contradiction between two statements of Rava on this matter and resolves the contradiction.

3) The number of listeners for a valid protest

R' Chiya bar Abba and R' Avahu disagree whether R' Yochanan required two listeners or three.

It is suggested that the dispute relates to Rabbah bar R' Huna's ruling that information that is said in the presence of three people is considered public knowledge.

This suggestion is rejected and two alternative explanations of the dispute are presented.

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REVIEW and Remember

1. What is the point of dispute between R' Pappa and R' Huna the son of R' Yehoshua?

2. What is the ruling of Rabbah bar R' Huna concerning lashon hara?

3. What do three listeners to a protest provide that two listeners do not?

4. How many times is one required to protest the presence of an occupant on his field?

Distinctive INSIGHT

Information spoken in front of three listeners

כל מילתא דמתאמרא באפי תלתא לית בה משום לישנא בישא

There are various approaches among the Rishonim to explain this statement of Rabba bar Rav Huna.

Rashi (Arachin 16a) explains that when the person himself reveals some personal information to three people this indicates that he accepts that these details about him will become common knowledge. Chofetz Chaim (Lashon Hara, B.M.C. 2:3) analyzes the words of Rashi. Perhaps "the person himself" refers to one who spoke lashon hara in front of three people, and the halacha is that anyone who repeats this slander to the original speaker is not guilty of the sin of speaking lashon hara. Or, perhaps "the person himself" refers to the party himself who speaks about his own self, and it is referring to where he revealed some personal business or dealings in front of three. Normally it would be prohibited for the listeners to convey this information further without permission due to damage it might cause, but R' Huna taught that once the speaker himself told it to three people, they may tell others about it, as the speaker expects the listeners to tell others and that what he said will become common knowledge.

Rashbam explains that if a person spoke lashon hara about someone else in front of three people, one of the three listeners may then go to the subject about whom he spoke and tell him that the speaker said lashon hara about him. This is because the speaker assumed that the discussion would become common knowledge, and lashon hara does not apply to information which will become well-known. This dispensation is only extended to relating the exact information as was spoken, with no elaboration. The one conveying the information further may only do so if he has no intent of creating or spreading hatred or resentment.

Chofetz Chaim (2:5) adds that if the speaker told three individuals who are God-fearing who are careful about these laws, the information is still considered confidential, and it may not be retold. He also notes that even according to Rashbam, the original speaker should never have said his words of slander, and this halacha only refers to where the sin has been violated. It is never permitted לכתחילה for someone to say l'shon hara in front of anyone, let alone three people.

Tosafos (39b, ד"ה לית בה) holds that it is permitted to say l'shon hara in front of three people. We have a rule of ליה חברך חברא אית ליה—one friend has another friend, and word spreads. Therefore, it is as if the information was being told

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HALACHAH Highlight

When do three people make something public knowledge?

כל מילתא דמתאמרא באפי תלתא לית בה משום לישנא בישא

Any matter that is said in the presence of three people is not considered lashon hora

The Gemara discusses one of the well known topics relates to lashon hora, namely, the leniency of אפי תלתא – information related in the presence of three people. The basics of the leniency is that once information was publicized in the presence of three people there is no longer a prohibition against further discussing the matter since it is assumed to be public knowledge. Chofetz Chaim¹ notes a number of limitations to this leniency. One qualification is that the information may not be fully derogatory (גנאי גמור) and the statement must have two interpretations. When a statement that could be interpreted positively or negatively is made in the presence of three people it could be assumed that the speaker intended the positive interpretation. The rationale is that a statement made in the presence of three people will certainly be circulated and we assume that the speaker would not intend to make a public derogatory statement about another.

Teshuvos Shoel V'nishal² suggests that the leniency of אפי תלתא applies only when the three people who first heard the statement were Jews. If the statement was made in the presence of gentiles it is not considered sufficiently publicized and it is prohibited to spread the statement further. The rea-

4) Repeating a protest

Gidal bar Minyomi protested someone who was occupying his field and when he came to protest again the following year he was told that once he protested the first year it is unnecessary for him to protest again.

Reish Lakish in the name of Bar Kappara asserts that a protest must be repeated every three years.

R' Yochanan rejected this assertion but Rava rules that the protest must be repeated every three years.

Bar Kappara states that the repeated protests may not contradict one another because if they do they are invalid and the occupant has established a valid chazakah. ■

son is that when one of the gentiles retells the initial statement Jewish listeners will not assume the statement to be true; consequently, it will not spread and thus is not considered publicized. Following this definition he explains another halacha. The Gemara Kiddushin (70a) states that once a person is elected as a leader (פרנס) of the community he is not permitted to perform melacha in the presence of three people. According to our present definition that matters done or said in the presence of three Jews are considered public knowledge the restriction against a community leader performing work in the presence of others is limited to where it is done in the presence of three Jews but it would be permitted for him to perform melacha in the presence of three gentiles. ■

1. ספר חפץ חיים הלי לשון הרע כלל בי.

2. שו"ת שואל ונשאל ח"ז סי' ח'.

STORIES Off the Daf

The elder from Radin

"לית בה משום לישנא בישא..."

On today's daf we find a discussion of certain halachos of shemiras halashon. The Chofetz Chaim, zt"l, expounded these halachos at great length both in his Sefer Shemiras Halashon and in his other works.

He taught, "One must understand that being careful with one's speech is just like owning a valuable grapevine that bears succulent fruits. Everyone understands that it is not enough to merely ask the public to stay out of the vineyard. Clearly, a gentle reminder like this will

not help prevent unscrupulous people from stealing his grapes! The only effective way to protect his property is to hire a guard to ensure that no thieves sneak in and rob him.

"Similarly, as long as a person is not scrupulously careful to prevent any forbidden speech from emerging from his mouth at all times, it will not help that he only occasionally expresses an interest in taking care against violating the halachos of shemiras halashon."¹

Those who were truly great heeded the Chofetz Chaim's warning and were very careful to avoid such terrible sins. When a certain distinguished young man once approached the Chazon Ish, zt"l, and explained that he wished to share some of the dirty laundry of a cer-

tain political party of which the Chazon Ish was a vociferous opponent, he was shocked at the Chazon Ish's response.

The Chazon Ish demurred, "Believe me, I would love to hear what you have to say. But, what can I do? The 'elder from Radin' does not allow me to listen to a word!"² ■

1. תורת הבית, פרק א'

2. מאיר עיני ישראל, ח"ו, ע' 355 ■

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directly in front of the subject about whom the words were spoken, and the halacha of l'shon hara does not apply to such a scenario. Chofetz Chaim understands that Tosafos only holds this view when the information spoken is generic, but not when it is derogatory. ■