

23.3.3; 24b (משנה ג') → 26a (לא איצטריכו לי) (משנה ג')

1. לך עמי בא בחזקתך וסגר דלתך בעדך חבי כמעט רגע עד יעבר זעם: ישעיהו כ, כ

I פסולי עדות (ודין?) מדרבנן: משנה ג'

a משחק בקוביא (gamblers)

i Reasons:

- 1 אסמכתא דב"ח (the gambler doesn't willingly part with his money)
- 2 ד: ששת (those are the rules of the game); rather – he isn't a productive citizen
  - (a) Split the difference: if he has another livelihood (as per יהודה ר', below) ; challenge to רב"ח
  - (b) Support (for challenge): ריב"ל and יוחנן ר' agree that when יהודה ר' uses אימתי – it's a qualifier, not a dissent
    - (i) Defense: רב"ח may disagree with ריב"ל and ר"י and maintain that יהודה ר' disagrees (and ת"ק:רב"ח)
  - (c) Challenge (to ריב"ל/ר"י): ברייתא which bans gambler, even if he has a livelihood
    - (i) Defense: that is as per ר"ט בשם ר"ה (re: נזירות); no one fully accepts consequence out of his control

b מלוי ברבית

i רבא: one who borrows with רבית is also invalid (meaning of our משנה – any loan with רבית attached)

- 1 Case: בר ביניתוס had 2 testify that he was פסול לעדות; 1 that he lent ברבית, the other that he lent to him ברבית
  - (a) בר ביניתוס דבא invalidated
  - (b) Challenge: רבא ruled that a borrower is also פסול עד → רשע #2 → רשע
  - (c) Answer: עדות that we can פלגינן and only accept that part of his רשע עצמו רשע
- 2 Related case: ר"נ שוחט "defrocked" ר"נ who sold a טריפה; he acted like a mourner and ר"נ thought to reinstate him
  - (a) דבא: perhaps he is fooling us
    - (i) Rather: must go to town where he's unknown and return expensive מציאה/admit to expensive טריפה

c מפריחי יונים

i Meaning:

- 1 זבל: bird racing
- 2 ד: חמא בר אושעיא training birds to lead others to his dove-cote
  - (a) Note: "bird-racing" didn't accept ארא, because that's only forbidden due to דרכי שלום (not זולה)
  - (b) And: ארא didn't accept "bird-races" as that is essentially the same as משחק בקוביא
    - (i) Defense: תולה בדעת אחרים is משחק בקוביא; תולה בדעת עצמו is משחק בקוביא (justification)
  - (c) Challenge: ברייתא which explicates our 4 פסולים (and identifies the point of "rehabilitation")
    - (i) משחק בקוביא: includes playing with "tiles" – rehab: when they've destroyed their "tiles" and no longer play, even for free
    - (ii) מלוי ברבית: rehab: when they destroy all שטרות and refuse to engage in usury – even to non-Jew
    - (iii) מפריחי יונים: extends even to animals; rehab – when they destroy the stands where they keep them
      1. Note: includes even animals, which could only apply to "racing", not "luring"
      2. Defense: שור הבר (now extinct?) would also do that – and ת"ק (כלאים ח:ו) holds it to be a בהמה
    - (iv) סוחרי שביעית: rehab – when next שמיטה comes and they avoid this commerce
      1. Note: (נחמיה) ר': תשובה isn't merely verbal, they must take ill-gotten proceeds and give to עניים

d סוחרי שביעית

- i ש: originally, they called them שביעית אוספי שביעית, when the "strongarms" increased, they referred to סוחרי שביעית
- ii ד: יהודה: all of these are only invalid if they have no other livelihood; if they do, they are כשר

e חמסנים and גזלנים: they added ברייתא

i גזלנים: Must be: someone who steals from חש"ו, whose ownership is שלום, Originally: seemed to be rare, or discounted significance of דרכי שלום

- 1 Concluded: they're taking money of others – פסול
- ii חמסנים: originally reasoned that since they pay, not פסול;
- 1 Concluded: they then saw that they would take by strongarming and not pay – פסול

f ברייתא: they added shepherds, tax-collectors and customs officials

- i Shepherds: originally thought that their theft (of produce for grazing) was incidental – saw that they led the animals there deliberately – פסול
  - 1 Note: all herdsmen are פסול, but only מגדלי בהמה דקה בא"י are פסול; פסול רועי בקר; פסול שלשה רועי בקר may be for דין only
- ii גבאין ומוכסין: originally thought they collect what is due – saw that they were "dipping" – פסול
  - 1 Note: default of a רועה – פסול – (but we automatically announce him to be פסול – by default)
  - 2 But: default of a גבאי – כשר – until we know him to be dishonest (as per story with זירא ר' father – v. 1)