

14.9.3

85b (ההוא גברא) → 86b (הצדי רה"ר לחוד)

Note: our דינא דגרמי discusses the role of דינא דגרמי and points to the dispute about whether it is enforced. Briefly, דינא דגרמי is indirect causation of damages – for instance, if A tears up B's שטרות that he holds on other people, that is indirectly causing him financial loss (inability to collect). There is a dispute among the תנאים as to whether we enforce דינא דגרמי – דינא דגרמי composed a seminal essay in the subject which is found in his חידושי (דינא דגרמי)

1. רָגַע וְרָע אֲבִיד אֶל תְּעֹזֵב וְבֵית אֲחִיד אֶל תְּבוּא בָּיִם אֲיִדָּךְ טוֹב שְׂכָן קְרוֹב מֵאִחַ רְחוֹק: מִשְׁלֵי פֶרֶק כּוּ מִסּוּק י
 2. הָלוֹא פֶּרַס לְרַעֵב לְחֶמְדָּה וְעִנְיִים מְרֻחָדִים תִּבְיֵא בֵּית פִּי תִרְאֶה עִרְם וְכִסְיָתוֹ וּמִבְּשָׂרָה לֹא תִתְעַלֵּם: שְׁעִינְהוּ פֶרֶק נח מִסּוּק ז

I תופס לבעל חוב Continued cases of חוב

- 12 A man declared "my property is given to טוביה" and died; טוביה arrived
 - (a) Ruling: טוביה is given the property
 - (b) However: if רב טוביה arrived, he wouldn't get it unless they were friends
 - (c) Decision: if 2 טוביה arrived – 1 a neighbor or a relative, the other a ת"ח – goes to ת"ח
 - (i) however: if 1 is a neighbor the other a relative – goes to neighbor as per v. 1
 - (ii) tossup: if both are ת"ח, neighbors or relatives – שודא דדייני (they make a decision based on how they estimate the deceased's intentions)
 - (d) interlude: ruling of שמואל re selling a note and then forgiving the debt – which is valid
 - (i) however: if a woman holds onto a note for her husband and forgives it – not forgiven
- 13 נחמן ר' relative sold her כתובה for הנאה, טובת הנאה, then was divorced and died
 - (a) advice: daughter should forgive the debt (as per שמואל's ruling), then inherit the כתובה from father
 - (i) regret: ר' נחמן ר' felt that he behaved unethically;
 - 1. 1st he helped her as per v. 2 –
 - 2. then he realized that as an אדם חשוב the favoritism was inappropriate

- c reassessing שמואל's ruling about forgiving a sold note
 - i note: if the buyer is clever, he'll pay something to the debtor to write a new note to him (to prevent קנוניא)
 - ii observation of אממר: those authorities who enforce דינא דגרמי (see note) make the original holder of the note pay the buyer the entire amount; those who don't enforce דינא דגרמי make him pay the value of the paper
 - 1 anecdote: רפרם forced ר' אשי to pay the full amount, in a most exacting manner
- d rulings about collections (אממר)
 - i if a בע"ח and כתובה come for collection and there is land and money – בע"ח gets cash, כתובה – land
 - ii however: if there is only enough land for one – בע"ח is paid off (טב למיתב טן דו)
- e strange ruling of רבא where he told the לווה to sell his land to pay the בע"ח
 - i what really happened: the לווה claimed that his money was held by a עכ"ם – so they "fined" him by making him sell his land to pay it off
- f question (posed to ר' פפא): if we say that paying back a debt is a מצוה, does ב"ד force him to fulfill it?
 - i Answer: regarding all מצוות עשה ב"ד forces him to fulfill it – even to "death" (כופין על המצוות)

II Tangent from our משנה regarding פירות תלושין

- a Question (posed to ר' חסדא): if a man gave גט, active in 30 days and she left it in צדי רה"ר
 - i Answer (version #1): invalid, as per רב ושמואל's comment on our משנה – the פירות must be sitting in רה"ר
 - 1 Addendum: רה"ר: צדי רה"ר (i.e. a place where תפיסה works → keeping the גט there is not "ידה")
 - ii Challenge: following ר' נחמן's ruling about a delayed purchase of an animal – valid even if at the date of effect the animal is in a marsh (inaccessible) – גט should be valid
 - iii Answer: צדי רה"ר isn't the same as an אגם (even though inaccessible, not public)
 - iv Version #2: valid, as per ר' נחמן
 - 1 Challenge: why don't we compare צדי רה"ר: רה"ר and employ רב ושמואל's ruling
 - 2 Answer: צדי רה"ר: רה"ר