

22.10.4

164a (ועל דא עיילוהו לרבי ירמיה גבי מדרשא) 165b → (ר' חנינא בן גמליאל)

1. וְרָאָה אֶת הַנֶּגַע וְהֵנִיחַ הַנֶּגַע בְּקִירֹת הַבַּיִת שֶׁקְעָרוֹת יִרְקָקוּת אוֹ אֲדָמְדָמַת וּמְרָאִיהֶן שֶׁפָּל מִן הַקִּיר: וְיִקְרָא יָד, לֹא
2. וְשָׁב הַפֶּהוּ בַיּוֹם הַשְּׂבִיעִי וְרָאָה וְהֵנִיחַ פֶּשֶׁה הַנֶּגַע בְּקִירֹת הַבַּיִת: וְיִקְרָא יָד, לֹט

I Analyzing רחב"ג's approach – a פשוט with גט מקושר inside is כשר, because he could have made it into a פשוט (by removing the ties/stitches)

- a Challenge (רבי): the date isn't the same – מנהג to put current year of the king on פשוט on +1 year on מקושר
- i Explanation: לווה may borrow, pay back before due date, מלוה claim שטר was lost and give him a שובר, then turn מקושר into פשוט and claim money again, claiming this was another debt
- ii Answer: רחב"ג will maintain that we don't write a שובר – לווה doesn't pay back without getting his שטר back
- iii Question: how did רבי know about this? He was confused by date on גט מקושר
- 1 Answer: after it was explained to him (that time), he then understood and then stated challenge to רחב"ג
- iv story: שטר came to ר' חנינא and was dated to the year of ארכון (town clerk)
- 1 Ruling: see when he was appointed (i.e. dated to his first year)
- (a) Challenge: perhaps it means that he will have a long term?
- (b) Answer: that is the local custom - 1st year, he's called ארכון, the next year דיגון (etc.)
- (i) Challenge: perhaps he was removed and then reinstated (and the שטר dates back to his 1st term)
- (ii) Answer: they call him דיגון ארכון
- (iii) Note: examples of use of Greek numbers (טריגון, דיגון etc.)
1. ruling about amount of נזירות taken by someone if he says דיגון etc. סומכוס
2. גנעי בתים: only applies to טטריגון (house with 4 walls) – as per vv. 1-2
- v Story: רבי had a שטר מקושר come to him and didn't see the זמן; his son suggested that it was hidden by the stitching – and he found it there. רבי was upset and his son told him that he hadn't written the שטר, יהודה יהודה had written it – רבי told him to stop speaking לה"ר
- 1 Alternate version of story: רבי praised the writing of a ספר תהלים and his son told him that he hadn't written it, יהודה חייטא had and רבי scolded him for לה"ר (!?)
- (a) Explanation: he was referring to הרע לשון הרע, one of the 3 sins which everyone fails at daily

II Analysis of next clause in 'א משנה א – מנהג המדינה says all follows רשב"ג – משנה א

- a Challenge: doesn't ת"ק accept מנהג המדינה as defining the practice?
- i Answer: they agree if the local מנהג is 1 way and the מלוה requests that way and he does the opposite – קפידא
- 1 Disagree: if the מנהג is to do either and he requests 1 and he does the other
- (a) קפידא ת"ק – and invalid
- (b) רשב"ג: he's only מראה מקום (giving an example) and, since the מנהג allows for both – valid
- (i) מראה מקום (מקום פלוני גט in ר"א (re: giving a קידשוין על תנאי ר"ש (re ר"ש (here), רשב"ג אב"י

III Analysis of first clause in 'ב משנה ב' 1 פסול on a פשוט or 2 on a מקושר render the שטר - פסול

- a Question: the ruling that 2 on a מקושר is פסול is understandable – it isn't all that obvious
- i But: what is the need for the ruling about 1 שטר פשוט? Isn't it obvious that it is פסול?
- ii Answer (אב"י): teaches that even if 1 is signed and the other testifies orally – פסול
- 1 Note: אממר rejected אב"י's answer; he validated a שטר with 1 signed עד and another פה בעל
- 2 Therefore: אממר is faced with our question – what is the need to teach 1 is פסול on a פשוט? גט פשוט
- 3 Answer: to equate the two; just as אחד בפשוט is a פסול מה"ת, similarly with 2 on a מקושר
- b As per: אממר's version of question sent to ר' ירמיה (by colleagues, also in א"י, while he was "suspended" from מדרש
- i Question: according to ריב"ק (ת"ק), could 1 עד signed join another one בע"פ (answer: yes)
- ii Version 2 (ר' אשי): according to ר' נתן (who allows עדים who testify in separate דין בתי to have their עדות be joined)
- 1 Can: בתי דין separate, each of which had one עד testify there, join for דין (answer: yes) דינים
- iii Version 3 (מר בר חייא): according to ת"ק, can one דיין from each ב"ד join (as per above)?
- 1 Explanation: according to ר"י, certainly דינים can join (since עדים can) - answer: yes
- iv Version 4 (רבינא): if 3 דינים prepare to confirm a שטר and 1 dies before they complete the קיום
- 1 Do: they have to indicate וחד ליתוהי on the קיום? (answer – yes)
- (a) Note: this answer was what allowed ר' ירמיה to be reinstated
- (i) Background: in ר' ירמיה, פ' לא יחפור had asked "silly" questions which caused his suspension