

23.1.3

4b (גברא אנברא קרמית) → 6a (ת"ר דיני ממונות בשלשה)

1. לא יסור שבט מיהודה ומחוקק מבין רגליו עד כי גבא שילו וְלוּ יָקְהַת עֲמִים: בראשית מט, י
 2. אָמַר לְחֻקָּמָה אַחֲתֵי אֶתְּ וּמָדַע לְבִינָה תִקְרָא: משלי ז, ד

- I מומחה – although ד"מ require 3, if one was a מומחה לרבים, he may judge alone
- a Examples: נחמך ר' and ר' חייא ר' said that "one such as me" may judge alone
- i Question: which qualification – expertise alone or is permission from ריש גלותא required as well?
- ii Answer: expertise alone, as per story of מר זוטרא בריה דר"נ who did so and erred
- 1 Result: was told by רב יוסף ר' that if parties had accepted his rule (no matter what), he isn't liable
- b Definition and implications of רשות
- i דב ושמאל if a רשות דיין gets רשות, he isn't liable for errors in his judgment
- ii Geography:
- 1 Within: ר' or ר' א"י works everywhere, as does רשות given in בבב for judging in ר' א"י
 (a) Reason: v. 1 is interpreted as applying to בבב vs. ר' א"י (בבב has more power in ר' א"י)
- 2 Question: is רשות given in ר' א"י valid in בבב?
 (a) Answer: doesn't work, as per story of ר' חייא and רב"ח
 (b) Challenge: ריש גלותא's objections, claiming his rights to judge came from ר' א"י
 (i) Answer: it was an "idle threat"
 (ii) Question: if so, what was the point of giving רב"ח permission in ר' א"י
 1. Answer: for border cities
- iii Definition of רשות יורה (may rule on ר"ה), ידן (may rule on ממונות), יתיר בכורות (ממונות)
 1 Story: רב"ח (who ר' חייא called "בן אחי") got all three permissions; רב (he called "בן אחותי") only got 2
 (a) Question: why did ר' חייא refer to his nephews differently?
 (i) Answer1: indeed, רב was only his sister's son
 (ii) Answer2: רב was called בן אחותי as per v. 2, reflecting his wisdom
 (b) Question: why didn't רבי permit רב to oversee התרת בכורות?
 (i) Answer1: perhaps he wasn't an expert
 1. Rejected: he spent 18 months with a cowboy to learn the difference between מום קבוע/עובר
 (ii) Answer2: to give more כבוד to רב"ח (רב didn't need it)
 (iii) Answer3: רב was so expert, he may be מתיר cases that people won't understand → improper היתרים
- iv Question about necessity of רשות if he's an expert (e.g. רב in story above) why he need for רשות?
 1 Answer: after story involving רבי's student who didn't instruct carefully and led to errors
 2 Note: a student may not rule within 3 פרסאות of his רבי
 (a) Note: limited permission certainly works (as per רב); as does conditional רשות (שמון ר' יוחנן/ר' שמון)
- II Revisiting ר' שמואל's ruling that if two ruled, it is valid
- a Challenge (רבא לר"ג): if there are 2 of the three who rule one way and the third abstains, we must add a 3rd
- i Answer: they originally met to have a council of 3; must finalize דין with 3 (unlike ר' שמואל's case)
- b Challenge: רשב"ג rules that פשרה requires only 2; but דין requires 3 and דין is "weaker":
- i If: 2 judge and דין בעלי דין wish to reject דין, they may (but they may not do so if 2 pronounce פשרה)
- 1 Suggested answer: רבנן disagree with רשב"ג (and grant validity to judgment of 2)
- 2 Rejection: ר' אבהו ruled that רשב"ג and רבנן agree that if 2 judge – it is invalid
 (a) Block: ר' אבהו and ר' שמואל may disagree about this; cannot refute ר' שמואל from ר' אבהו's words