

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

1. לך עמי בא בחזקתך וסגר דלתך בעדך חבי כמעט רגע עד יעבר זעם: ישעיהו כו, 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 this isn't an אסמכתא (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 ב"ש ר"ט (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 ברבית

(b) Challenge: רבא ruled that a borrower is also פסול → #2 is a רשע → פסול לעדות

(c) Answer: רבא and we effect פלגינן and only accept that part of his testimony that we can

2 Related case: ר"נ thought to reinstate him who sold a שוחט "defrocked" ר"נ; טריפה he acted like a mourner

(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 גבל: 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 גולה real)

(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 bird-racing is (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 originally, they called them 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 גולנים they added ברייתא

i גולנים: 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 בא"י דקה בהמה are פסול; פסול שלשה רועי בקר; פסול 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 ז"ר's father – v. 1)