

– **ודלמא עצה טובה קא משמע לך** –

But perhaps the פסוק is merely telling us good advice

OVERVIEW

נביא The ירמיהו in פסוקים derive ג' שנים רבנן claimed that the יוסף was telling the Jews that those who are buying fields now should make sure that they have deeds of sale. The Jews will soon be exiled from ארץ ישראל and they will not have had the opportunity of establishing a חזקה. The נביא was speaking to them during the tenth year of צדקיהו's reign. The Jews were exiled in the eleventh year of his reign. The most they could be in the fields is only two years; that, ירמיהו warned, is not sufficient time to establish a חזקה. Therefore they should make sure to have שטרות. Therefore, רב יוסף concluded that a חזקה requires more than two years, hence רב יוסף's¹ ג' שני חזקה challenged אביי. Perhaps a חזקה can be established even in one year; however ירמיהו was giving them good advice. It is preferable to have a שטר, rather than relying on חזקה.² Our תוספות will argue that רב יוסף could have refuted אביי in a different manner.

הכי נמי מצי למיפרך ודלמא בתוך עשר הוה קאי³ ומזהיר על תחלת⁴ אחת עשרה –
נביא could have challenged the proof just as well by asking, **‘but perhaps the נביא was standing in the midst of the tenth year of צדקיהו's reign and he was warning the people concerning the beginning of the eleventh year of צדקיהו's reign’**, in which case –

דליכא אפילו שנה⁵ ולעולם בשנה אחת הויא חזקה –
There is not even a year in which to make a חזקה and indeed a חזקה can be accomplished in even one year only. ירמיהו was telling them since there is not even a year till the גלות, you cannot establish a חזקה (of one year) and therefore שטרות are required.

תוספות offers a different approach to this problem:

– **ורבינו חננאל פירש דרב יוסף יליף הכי** –

And the ר"ה explained that ר"י derived ג' שנים in this manner –

¹ See שנים ש"מ וכו' as to how we derive שנים.

² See רש"י ד"ה ה"ג וד"ה עצה.

³ After the fourth month (תמוז); not in the beginning.

⁴ The fourth month (תמוז), when the Babylonians breached the walls of ירושלים.

⁵ The reason that תוספות presents a scenario that it is less than a year is, for in this manner, the proposed question (of תוספות) would be the equivalent of the actual (גמרא's) question; that a חזקה can be established in only one year.

וגריס שהרי נביא עומד בתשע⁶ ומזהיר על י"א שתלכד העיר –

And the text of the ר"ה reads, for the prophet ירמיהו was standing in the ninth year of s'צדקיהו's reign and he was warning the people concerning the eleventh year of s'צדקיהו's reign that the city of ירושלים will be captured by the Babylonians, and on account of the turmoil, the landowners –

– ויאבדו השטרות ויסמכו על חזקת שלש שנים⁷ –

will lose their deeds and they will be able to depend on the three year חזקה, which they have established during the ninth, tenth and eleventh years of s'צדקיהו's reign.

ומביא ראיה מסדר עולם דבשנה תשיעית⁸ בחדש עשירי היה –

And the ר"ה brings proof from the ספר סדר עולם that the story with ירמיהו took place in the ninth year and the tenth month (טבת) of s'צדקיהו's reign. He was therefore telling them, that now is their last chance to buy fields and still be able to rely on חזקת ג' שנים even if they will lose their deeds. According to the ר"ה the question of תוספות is irrelevant, for the ר"ה maintains that there was three years from the time of the נבואה until the גלות.

תוספות has difficulties with the ר"ה's interpretation and text.

ומיהו בכל הספרים שלנו כתוב שהרי נביא עומד בעשירי –

However, in all our text of גמרא it is written, 'for the prophet was standing in the tenth' year; not in the ninth year as the ר"ה would have it.

וכן בסדר עולם שלנו תניא בשנה העשירית –

And similarly in our סדר עולם it is taught that this story happened in the tenth year.

פירוש ר"ה has an additional difficulty with the תוספות:

ועוד דלגירסתו נמי קשיא מנא ליה שלש שנים מיום ליום –

And furthermore (even) according to his text (that it happened in the ninth year) it is also difficult how can he derive from this פסוק that a חזקה requires three full years from day to day –

דלפי גירסת סדר עולם ליכא אלא שמנה עשר חודש⁹ –

Because according to the text of the סדר עולם there is no more than eighteen

⁶ As opposed to our texts which read 'the tenth year'.

⁷ The ר"ה disagrees with פירש"י ותוס' (also) in the manner in which חזקת ג' שנים is derived from ירמיהו. According to רש"י ותוס', the נביא was telling them that since it is two years to the גלות, there is not enough time for a חזקה, you must have a שטר. The ר"ה however understands that ירמיהו was telling them that now is the last chance to make חזקת ג' שנים for in three years the גלות will begin.

⁸ See מהרש"א who alludes to the apparent difficulty, for in the (ירמיה לב,א) it clearly states העשירית.

⁹ The three months of שבט ואדר, טבת of the ninth year, twelve months of the tenth year, and ניסן אייר סיון of the eleventh year for a total of eighteen months (טבת and תמוז are partial months).

months in which they could make a חזקה –

שהרי בשנת אחת עשרה לחדש הרביעי בתשעה לחדש הובקעה העיר:

For in the fourth month (תמוז) of the eleventh year the city walls of ירושלים were breached.

SUMMARY

The ר"ה maintains that חזקת ג' שנים is derived from the fact the ירמיהו told the people to buy fields in the ninth year in order that they will establish a חזקה before גלות in the eleventh year. תוספות disagrees, maintaining that both in our גמרא and in סדר עולם the text reads 'the tenth year'. In addition תוספות argues that there was only eighteen months from the נבואה until the גלות.

According to our understanding, תוספות states that אביי could have presented an alternate refutation of רב יוסף; that perhaps there was not even a year between the גלות and the נבואה.

THINKING IT OVER

1. According to the ר"ה, why did ירמיהו tell them to write שטרות (according to רב רב (יוסף); they can have a חזקה?!
2. According to the ר"ה, how did אביי refute רב יוסף?¹⁰

¹⁰ See מהרש"א וכו'.