

## **But perhaps the פסוק is merely telling us good advice**

### Overview

claimed that the רב יוסף derive ג' שנים from the פסוקים in ירמיהו. The Jew 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 Jew 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 time they could be in the fields is only two years; that, warned ירמיהו, is not sufficient time to establish a חזקה. Therefore they should make sure to have שטרות. רב יוסף therefore concluded that a חזקה requires more than two years, hence אביי<sup>1</sup> ג' שני חזקה<sup>1</sup> challenged רב יוסף's proof. 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 עדי חזקה<sup>2</sup>. תוספות will argue that אביי could have refuted רב יוסף in a different manner.

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could have challenged the proof just as well by asking –

– ודלמא בתוך עשר הוה קאי – **but perhaps the Jew was standing in the midst<sup>3</sup> of the tenth** year of צדקיהו's reign –

– ומזהיר על תחלת אחת עשרה – **and he was warning the people concerning the beginning<sup>4</sup> of the eleventh** year of צדקיהו's reign', in which case –

– דליכא אפילו שנה – **there is not even a year<sup>5</sup>** in which to make a חזקה

– ולעולם בשנה אחת הויה 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"ח explained that ר"י derived שנים ג' חזקה in this manner** –

– וגריס – **and the text** of the ר"ח reads –

– שהרי נביא עומד בתשע – **for the prophet ירמיהו was standing in the ninth year<sup>6</sup> of צדקיהו's reign** –

<sup>1</sup> See ש"מ וכו' as to how we derive ג' שנים.

<sup>2</sup> See רש"י ד"ה ה"ג וד"ה עצה.

<sup>3</sup> After the fourth month (תמוז); not in the beginning.

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

<sup>5</sup> The reason that תוספות presents a scenario that it is less than a year is, for in this manner, the proposed question would be the equivalent of the actual question; that a חזקה can be established in only one year.

ומזהיר על י"א – **and he was warning the people concerning the eleventh year of s'צדקיהו's reign** –  
שתלכוז העיר – **that the city of ירושלים will be captured** by the Babylonians, and on account of the turmoil, the landowners –  
ויאבדו השטרות – **will lose their deeds** –  
ויסמכו על חזקת שלש שנים – **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<sup>7</sup>.

ספר סדר עולם – **and the ר"ה brings proof from the סדר עולם** –  
דבשנה תשיעית בחדש עשירי היה – **that the story with ירמיהו took place in the ninth year<sup>8</sup> 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 ג' שנים חזקת 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 – **however in all our text of גמרא it is written** –  
שהרי נביא עומד בעשירי – **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 – **and similarly in our סדר עולם it is taught** –  
בשנה העשירית – **that this story happened in the tenth year.**

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

ועוד דלגירסתו נמי קשיא – **and furthermore (even) according to his text (that it happened in the ninth year) it is also difficult** –  
מנא ליה שלש שנים מיום ליום – **how can he derive from this פסוק** that a חזקה requires **three full years from day to day** –  
דלפי גירסת סדר עולם – **because according to the text of the סדר עולם**  
ליכא אלא שמנה עשר חדש – **there is no more than eighteen months<sup>9</sup>** in which they could make a חזקה –  
שהרי בשנת אחת עשרה לחדש הרביעית – **for in the fourth month (תמוז) of the eleventh year** –  
הובקעה העיר – **the city walls of ירושלים were breached.**

<sup>6</sup> As opposed to our texts which read 'the tenth year'.

<sup>7</sup> The ר"ה disagrees with 'תוס' and פירש"י (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.

<sup>8</sup> See מהרש"א who alludes to the apparent difficulty, for in the (ירמיהו לב,א) פסוק it clearly states בשנה העשירית.

<sup>9</sup> The three months of שבט ואדר 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).

### 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 the 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 נבואה and the גלות.

### Thinking it over

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

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<sup>10</sup> See מהרש"א וכו'.