

איכא דאמרי המלוה חבירו (בשטר¹) לעשר שנים אין שביעית משמטתו –

Others say; one who lends his friend (with a note) for ten years, Shve'is does not exempt him

OVERVIEW

There are two versions regarding the case where money was lent for a period of ten years; whether שביעית exempts the borrower from paying the loan; the איכא דאמרי maintain that it does not exempt him. תוספות rules like this version, and cites proof for his ruling.

אומר רבינו תם דהלכה כלישנא בתרא דהכי נמי מתניתין מסייע ליה וקשיא ללישנא קמא² -

The איכא דאמרי (the ר"ת states that the ruling is like the latter version) for indeed our משנה supports the בתרא לישנא, and contradicts the קמא לישנא, which maintains that it does not exempt him. a ten year loan.

ובאזהרות³ הגיה רבינו תם זמן עשר (כסף) כי ילונ⁴ ולא במשפט⁵ בחצי ימיו יעזבנו :

And the ר"ת amended the אזהרות to read; זמן עשר (כסף) כי ילונ ולא במשפט בחצי ימיו יעזבנו (when he will lend (money) for ten years he is not included in the law of 'he will forgo it in half its lifetime).

SUMMARY

The ר"ת rules that a loan for ten years is not משמט (as opposed to the view of the אזהרות).

THINKING IT OVER

1. Why does the ר"ת state that our משנה supports the ל"ב and disagrees with the ל"ק,

¹ The word בשטר does not appear in the גמרא text.

² רב כהנא asks on the קמא לישנא (and supports the איכא דאמרי) from our משנה where it states that the עדים זוממין pay the difference whether the loan is due in thirty days or in ten years; indicating that a loan is due even after ten years and שמיטה does not exempt him. See 'Thinking it over'.

³ The הגהות הב"ח amends this to read ובאזהרות (instead of אזהרות); however others maintain that it is (indeed) the אזהרות לרבנו אליהו הזקן, the brother-in-law of ר' האי גאון. The various אזהרות פיוטים which were authored by different פייטנים and was a liturgy based on the מצות (עשה ולא תעשה), and were recited by various communities ([usually] on שבת).

⁴ In the original אזהרות the text read; זמן וכו' ילונ, בחצי ימיו יעזבנו (omitting the words במשפט), meaning that a loan for ten years will be given up in half its lifetime for שביעית משמט (this is the view of ר"א הזקן).

⁵ The ר"ת [who maintains like the א"ד that a loan for more than seven years is not משמט] amended the text by inserting the words במשפט בחצי ימיו (as found in יז, א) ולא במשפט (which reads ימיו יעזבנו). to follow his ruling that שביעית is not משמט, therefore the מלוה is not included in the law – of בחצי ימיו יעזבנו (that he loses the loan).

since רבא explained the משנה (even) in accordance with the ל"ק.

2. Does the ר"ת argue with the אזהרות (of the ר"א הזקן), or does he agree with him (and the ר"א הזקן was to indicate the correct view of הגה"ה)?⁶

⁶ See # 102. אוצר מפרשי התלמוד.