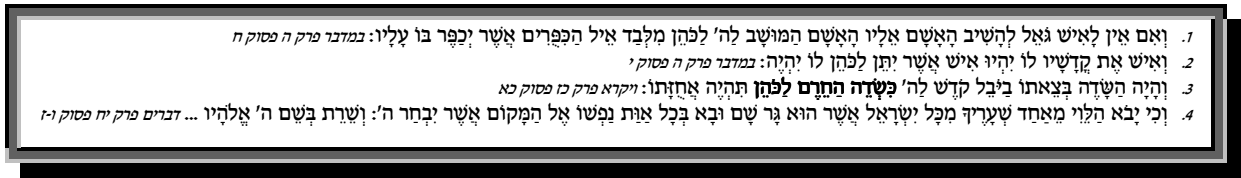


20.9.16

108b (משנה ז) → 110a (קמ"ל)



- I 21 משנה ז: consequences of false אבד – if he swears and proves to be lying:
 - a If קרן עדים testify that he took it – pays
 - b If he admits it – pays וחומש ואשם
- II 'ח משנה ח: consequences of false גנב – if he swears and proves to be lying
 - a If עדים testify that he took it – he pays כפל
 - b If he admits it – pays וחומש ואשם
- III 'ט משנה ט: consequences of stealing from his father, lying under oath about it and father dying before he owns up to it
 - a If he has property – pays קרן וחומש to other heirs
 - b If he doesn't have property – borrows and pays them back
 - c Note: if he can't find an heir, can put money in צדקה, but must declare that it is אבי זול
 - i Question: why can't he forgo it (as an heir – we've seen מחילה earlier in the chapter)?
 - ii Answer1: follows ר"ע in dispute with ריה"ג re: גזל הגר (v. 1)
 - 1 Challenge (ר' ששת): to ריה"ג, should teach of own מחילה (he may), and to ר"ע – case of מחילה to others (may not)
 - iii Answer2 (ר' ששת): both are ריה"ג – he may be מוחל to others, but not to himself (as in our case, as the only heir)
 - 1 And: reason that he may keep the הגר נכסי is because he turned them into a loan
 - iv Answer3 (רבא): both are ר"ע – he may not be מוחל to himself, but my to others
 - 1 And: according to ריה"ג, he can be מוחל
 - 2 Challenge: how could הגר זול ever go to כהנים? (since the ישראל holding it acquires it)
 - 3 Answer: could be case where he swore (falsely) while גר was alive, and admitted after death – goes to 'ה → כהנים
- IV Tangent - Series of rulings in re: גזל הגר (vv. 1-2)
 - a Question (רבינא): does it apply to גיורת (answer – yes; from המושב)
 - i and: איש excludes גר קטן, no need to seek after potential heirs
 - b ruling: לה לכהן means, 'ה acquires and gives to כהן of that משמר (and not all כהנים, as per end of verse)
 - c Ruling: a כהן who is the זול of the גר may not keep the גזילה, even though it would go to him – since it also goes to others, כהני המשמר isn't considered "his" and is taken from him and divided among all המשמר
 - i Challenge: v. 2 indicates that the כהן gets to keep his קדשים
 - d Rather: inferred from אחוזה שדה; even if a כהן redeems; it goes to all כהנים at יובל (v. 3)
- V Tangent: rights of כהנים
 - a May: come and participate in עבודה whenever they please as per v. 4; and earns all the portions as per v. 2
 - i And: if he is a בעל מום (and may eat but not serve), gives to אנשי משמר but keeps the pelt
 - ii And: if he is elderly (i.e. may do the עבודה and אכילה with difficulty) – gives to any כהן he wants, and עזר goes to אנשי משמר
 - 1 Reason: אכילה גסה) אכילה isn't אכילה "forced" can be valid – since he could do it with difficulty; but
 - b אנשי משמר if he was a טמא and it was צבור קרבן, he gives to any כהן he chooses and עזר goes to משמר
 - i fix: gives to בעלי מומין טהורין (case – all תמימים were טמא → none of them may eat, but this one may serve)
 - c אנשי משמר who is an אונן serves but may not eat, and he gives his portion to any כהן he chooses and pelt to משמר
 - i Teaching: we would think that he can't appoint an agent, since he is an אונן (and תורה only permitted עבודה) – קמ"ל –
- VI 'י משנה י: tangent to 'ט משנה ט – if father banned son from הנאה – he may inherit
 - a But if: he said "during my life and after my death" – may not inherit; he borrows and the creditors are paid from estate