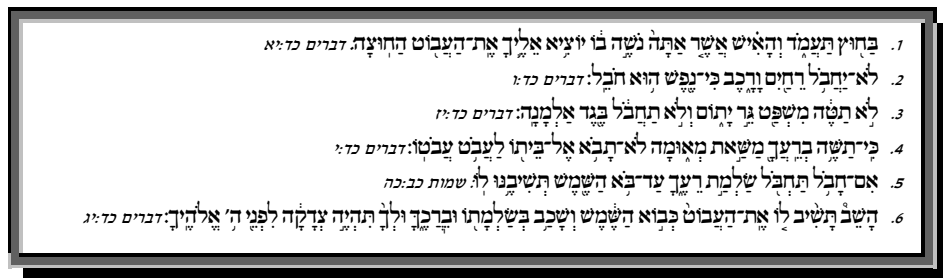


21.9.11

113a (משנה יג) → 114a (ולך תהיה צדקה)



- I יגו limitations on lender re: taking a pledge
- If: someone lends money, he may not take a משכון outside of בית דין
 - Nor: may he go into the לווה's house to take the משכון (v1)
 - If: the לווה had two כלים, the מלוה may take one and leave the other
 - And: he must return a pillow (e.g.) at night and a plow (e.g.) for day use
 - But if: the לווה died, he need not return it to the heirs
 - דשב"ג: he doesn't even return it to לווה himself after 30 days; in that case, he sells it in בית דין
- II Purview of שליח בית דין
- משואל: he may only seize from לווה's hand in שוק; not go into his house to seize משכון
 - Challenge: משנה implies that in בית-דין, we appropriate משכון
 - Defense: we only seize (נתוחי) in ב"ד
 - Support: next clause prohibits "him" from going into house – must be שליח ב"ד; since בע"ח already forbidden
 - Block: read משנה as banning בע"ח from appropriating outside of ב"ד (→ ב"ד may do so)
 - And: a בע"ח may not even seize by going into the לווה's house
 - Challenge (רב יוסף): v2 → other items may be taken as pledges; v3 → pledges may be taken from others
 - Must be: שליח ב"ד, as בע"ח is already banned in v4
 - Response (student before רב יוסף): it is the בע"ח – to generate 2 אווין
 - Challenge: v1 is superfluous; האיש extends to שליח ביד (like לווה? May go in whenever he wants?)
 - Rejection: שליח ב"ד like מלוה – must stand outside
 - Challenge: v5 must be directed to שליח ב"ד (as above)
 - Answer: it is a מח' תנאים, per ברייתות; one applies שליח ב"ד to v1, other applies to בע"ח;
 - According to 2nd: שליח ב"ד may enter house, but may not take vessels used for food preparation (אוכל נפש)
 - And: must leave 2 beds and bedsheets as per standard of לווה - but only for him, not family members
 - 2 beds: one for sleeping, one for eating
 - Note: we follow same protocol as for seizing debt for ערכין
- III בע"ח סדור לבע"ח: taught before ר"ג – protocol used for ערכין is used for בע"ח
- Challenge: we sell the משכון, what sort of סדור is there?
 - Block: we don't sell it off – משנה rules that we return items day or night (per need)
 - Defense: our תנא followed רשב"ג in our משנה – we sell it off
 - Challenge: did רשב"ג say that we sell it in perpetuity?
 - Perhaps: he meant that for the first 30 days, we return it entire
 - Then: we sell off that which he doesn't need (/deserve?)
 - Block: per אביי ג, רשב"ג (and ר"ש and ר' ישמעאל and ר' עקיבא and ר' ירמיה) all agree that בני ישראל are royalty (deserves all)
 - דשב"ג: permits moving raven food on שבת (ravens are royal pets)
 - ד"ש: allows any ישראל to anoint rose oil on שבת
 - ד"י ור"ע: fancy coat is ראוי for any ישראל (re: seizing it for lesser debt)
 - Original assumption (now rejected): that we sell off what he doesn't need
 - Understood: pillow etc. – can buy lesser ones and use difference to offset some of debt
 - But: how do we do that with a מחרישה?
 - Answer: "מחרישה" isn't a plow, but a silver key-chain
 - Question: why does מלוה have responsibility to help out לווה with keeping his standards?
 - Answer: per v. 6 – that is the מלוה's "צדקה"