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Bava Metzia Daf 71

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Wealth Dissipating Due to Interest***

The *Gemora* cites a *braisa*: Rabbi Yosi said: Come and see the blindness of those who lend with interest. Usually, if one calls someone an evil person, he (*the insulted person*) may descend against his life (*he is permitted to hate him to such an extent that he can quarrel and fight with him, and according to one explanation in Rashi (which he later refutes) – he may attempt to reduce his income*); while these people (*those who lend with interest*) bring witnesses, a scribe, pen and ink, and they write and sign, “So-and-so has denied the God of Israel” (*by lending with interest, and yet, he seemingly does not care at all*).

The *Gemora* cites a *braisa*: Rabbi Shimon ben Elozar said: Someone who has money and lends it without interest, of him Scripture writes: *He has not given out his money on interest, nor has he taken a bribe against the innocent. He who has done these things shall never falter.* We may derive from here that one who does lend on interest, his wealth will eventually dissolve.

The *Gemora* asks: But do we not see people who do not lend on interest, and yet their wealth dissolves?

Rabbi Elozar answers: Those who do not lend with interest – their wealth dissipates, but they rise again; whereas those who lend with interest – their wealth dissipates and they do not rise again.

It is written [Chavakkuk 1:13]: *Why do You observe the treacherous, and hold Your tongue when the wicked*

*devours the man that is more righteous than he?* Rav Huna said: A wicked man may devour someone who is more righteous than himself; but he cannot devour the man that is completely righteous (*and although he may falter at the hands of the wicked, it will only be temporary*). (71a)

### ***Ger Tzedek and Ger Toshav***

The *Gemora* cites a *braisa*: Rebbe said: The righteous proselyte who is mentioned in connection with the sale of someone for a Hebrew servant (*to the convert*), and the alien resident (*ger toshav – one who eats neveilos but does not serve idolatry*) who is mentioned with reference to interest - I do not understand the meaning (*the connection between them and the subject matter*). The *Gemora* explains what Rebbe is referring to: ‘The righteous proselyte who is mentioned in connection with the sale of someone for a Hebrew servant’ — as it is written: *If your brother becomes poor and he is sold to you. [The following is a conclusion of a braisa cited elsewhere that discusses the punishment of becoming poor on account of doing illegal business with Shemittah produce.] “You” here does not mean only you, but rather even to a convert, as it is written: and sell himself to a proselyte, and not only to a regular convert, but even to a “ger toshav”. This is as the verse states: to a ger toshav. It then states he is sold, “to the family of a convert,” implying to idolaters. “L’eiker,” implies he is sold to the service of the idols themselves (he is sold to do work in the idol’s temple).*

Now, the master said in the *braisa*: “You” here does not mean only you, but rather even to a convert, as it is written: *and sell himself to a proselyte*. Are we to say that a proselyte may acquire a Hebrew servant? But the following *braisa* contradicts it: A proselyte cannot be acquired as a Hebrew servant, nor may a woman or a proselyte acquire a Hebrew servant. A proselyte cannot be acquired as a Hebrew servant, for the verse, *and he shall return to his own family (by Yovel)*, must be applicable, and it is not (*for he has no family*). Nor may a woman or a proselyte acquire a Hebrew servant - a woman, because it is not proper (*for the servant will be alone with her*); and a proselyte, because there is an accepted tradition that he who can be acquired (*as a Hebrew servant*) can himself acquire, but he who cannot be acquired, cannot himself acquire!?! [Rebbe doesn't understand how the Torah can speak about a proselyte with connection to a Hebrew servant!?!]

Rav Nachman bar Yitzchak answers: He cannot acquire him and be a master like a Jewish owner, but he may acquire him and be a master like a gentile owner. For it has been taught in a *braisa*: A *nirtza* (a Hebrew servant who had his ear pierced and remains until Yovel) and a Hebrew servant sold to a gentile do not continue to serve his son or daughter (*if the master dies; this is a difference in halachah between a Jewish and a gentile owner*).

The master had stated: A woman or a proselyte may not acquire a Hebrew servant. Shall we say that this is not in accordance with the viewpoint of Rabban Shimon ben Gamliel, for we learned in a *braisa*: A woman may acquire maidservants but not male servants. Rabban Shimon ben Gamliel said: She may acquire even male servants.

The *Gemora* answers: It may agree even with Rabban Shimon ben Gamliel, for the *braisa* is referring to a Hebrew servant, and Rabban Shimon ben Gamliel was dealing with a Canaanite slave.

The *Gemora* explains the difference between them: A Hebrew servant, she deems to be discreet (*if he sins with her, he will not publicize it; there it is forbidden for her to acquire him*); whereas a Canaanite slave, she deems insolent (*and therefore we assume that she will not sin with him*).

The *Gemora* asks: But what of the *braisa* which Rav Yosef taught: A widow may not raise dogs (*for it might lead to bestiality; or according to Tosfos, people will suspect her of that*); nor do we permit a Rabbinical student to live with her as a boarder? Now, the prohibition of a student is understandable, since she deems him discreet; but as for a dog, since it will follow her if she commits bestiality, she will certainly be afraid!?

The *Gemora* answers: Since it follows her even if she merely throws it some raw meat, people will say that the dog is attached to her because of that.

The *Gemora* returns to Rebbe's other difficulty: The alien resident who is mentioned with reference to interest - what is it? For it is written: *And if your brother becomes poor and his means falter in your proximity, you shall strengthen him; a proselyte or a resident, so that he may live with you. Do not take from him neshech or tarbis; and you shall fear your God, that your brother may live with you*.

But our *Mishna* contradicts the verse (*which seems to prohibit lending with interest to an alien resident*): One may borrow from a gentile with interest and one may loan him with interest, and the same applies to an alien resident!?

Rav Nachman bar Yitzchak answers: Is it written, *Do not take interest from them? From him* it is written, meaning that the prohibition applies only to a Jew. [*It mentions an alien resident only with respect to the obligation of sustaining him.*] (71a)

### **Guarantor on the Interest**

The *Gemora* cites a *braisa*: *Do not take from him neshech or tarbis* – however, you could become a guarantor for him (*on a loan with interest*).

The *Gemora* explains the *braisa*: Who is he being a guarantor for? If the lender was Jewish, but we learned in a *Mishna*: The following people violate the negative commandment (*with respect of lending with interest*): The lender, the borrower, the guarantor, and the witnesses!?! Rather, it must be referring to a gentile lender. But, the *Gemora* asks, since it is the law of the gentiles to claim the debt directly from the guarantor (*which means in essence that it is as if the guarantor borrowed from the gentile, and the Jew borrowed from the guarantor*), it is then the guarantor who is receiving interest from him (*which should be forbidden*)!?

Rav Sheishes answered: The *braisa* is referring to a case where the gentile accepted to bring his actions in accordance with Jewish law.

The *Gemora* asks: But if he accepted to abide by Jewish law, he should not take interest either!?

Rav Sheishes answered: He accepted upon himself for the one (*as to who the claim should be against*), but not for the other (*regarding the prohibition of taking interest*). (71a – 71b)

### **Agency for a Gentile**

The *Mishna* had stated: A Jew may lend money of a gentile to another Jew with the consent of the gentile, but not with the consent of the Jew.

The *Gemora* cites a *braisa*: A Jew may lend money of a gentile to another Jew with the consent of the gentile, but

not with the consent of the Jew. What is the case? If a Jew borrowed money from a gentile on interest, and on his way to repay it, another Jew met him and said to him, “Give it to me and I will pay you (*the interest*) just as you would have paid him,” this is forbidden (*for the interest-bearing loan is between two Jews*). However, if the first borrower presented him to the gentile, it is permitted (*because the first borrower is merely an agent of the gentile*). Similarly, if a gentile borrowed money from a Jew on interest, and on his way to repay it, another Jew met him and said to him, “Give it to me and I will pay you (*the interest*) just as you would have paid him,” it is permitted (*for it is a loan from a gentile to a Jew*). However, if he presented him to the Jew, it is forbidden (*for the gentile is merely an agent of the Jew*).

The *Gemora* asks: Now, the second ruling is understandable (*where the loan was forbidden because the gentile is an agent for the Jew, even though a gentile cannot act as an agent for a Jew*), for there the ruling was a stringent one; but as for the first ruling, since the law of agency does not apply to a gentile, it is the Jew who is taking interest from his fellow Jew (*and it should therefore be forbidden*)!?

Rav Huna bar Manoach said in the name of Rav Acha, the son of Rav Ika: We are referring to a case where the gentile said to the Jew (*the first borrower*), “Put the money on the ground and you are exempt from paying me” (*and therefore the next loan is obviously between the gentile and the Jew, and therefore it is permitted*).

The *Gemora* asks: If so, what is the novelty in the ruling?

Rav Pappa answers that it means that the gentile took it from the first Jewish borrower and gave it directly to the second.

The *Gemora* persists: Yet even so, what is the novelty?



The *Gemora* answers: I might think that the gentile himself, in acting so, is acting as an agent of the first Jew (*and it would therefore be forbidden*); the *braisa* teaches us otherwise.

Rav Ashi answers (*the original question*): We maintain that agency is not applicable to a gentile only in reference to *terumah* (*he cannot separate terumah for a Jew*), but in all other Biblical matters, the principle of agency applies to a gentile.

The *Gemora* notes: This distinction, however, must be a mistake, for why can't a gentile serve as an agent with respect of *terumah*? It is because of the following: Just as you (*the people commanded to separate terumah*) are parties to the covenant (*circumcised and obligated to perform mitzvos*), so too, your agents are required to be parties to the covenant! And isn't the principle of agency, as applied to all Biblical matters, derived from *terumah*! Therefore Rav Ashi's distinction must be rejected.

Others say that Rav Ashi said as follows: We maintain that agency is not applicable to a gentile only when they are becoming an agent for us; however, we can become an agent for them.

The *Gemora* notes: This distinction, however, must be a mistake, for why can't a gentile serve as an agent for us? It is because of the following: Just as you (*the people commanded to separate terumah*) are parties to the covenant (*circumcised and obligated to perform mitzvos*), so too, your agents are required to be parties to the covenant! And the same should similarly apply with respect of us becoming an agent for them. Therefore Rav Ashi's distinction must be rejected.

Ravina answers: While it's true that a gentile cannot serve as an agent, yet, by Rabbinical law, one can obtain possession on his behalf (*zechiyah – someone can acquire something for another even without his knowledge, and*

*even if he was not designated to be his agent*). For this is similar to a minor: Surely, a minor, though excluded from the principle of agency, is nevertheless, by Rabbinical law, eligible to third party possession; so here too, there is no difference. [*Accordingly, this is the explanation of the braisa: When the second borrower receives the money, he is acquiring it on behalf of the gentile. It is regarded as if the first borrower returned the loan to the gentile and then the gentile turned around and lent it to the second borrower. There is therefore no concern about ribbis.*]

The *Gemora* notes that the analogy is false: A Jewish minor comes eventually within the principle of agency, but a gentile never does. (71b – 72a)

## DAILY MASHAL

### ***Don't Call him "Evil"***

The *Gemora* states: If he calls him a evil person, he (*the insulted person*) may descend against his life (*he is permitted to hate him to such a extent that he may attempt to reduce his income*).

Rashi explains this to mean that the insulted person may fight with him as if the libeler hit him, and it is as if he was coming to kill him. Furthermore, Rashi heard that he can compete against him in his line of business in an attempt to decrease his income.

Rashi asks that it is hard to understand how the *Chachamim* would allow this person to take revenge.

Some answer that here it is permitted because he suffered personally and he was subject to a public humiliation. The Chafetz Chaim, however, writes that it is unclear if this is the accepted *halachah*, and therefore, one should be stringent in the matter and not take revenge.



Others answer that it is permitted because if people think that he is indeed a evil person, his income will suffer tremendously, for people will not have compassion on him.

Tosfos writes in the name of the Gaonim that it is permitted to burn one-third of his grain. Tosfos concludes that this is bewildering, for where is the source for this?

### INSIGHTS TO THE DAF

#### *Interest-Free Loans*

The *Gemora* quotes a different version of Rav Huna's statement. Rav Yosef explained that the verse discussing lending states: *if you will lend money to Ami – my nation, to the Ani – the poor one – Imach – with you*. This verse teaches that the priority in lending is first to a Jew over a non Jew (*Ami*), then to a poor person over a rich person (*Ani*), and to a local poor person over a poor person somewhere else (*Imach*). Rav Huna says that the priority given to a Jewish debtor is even when the non Jewish debtor will pay interest.

The *Pnei Yehoshua* discusses what the *halachah* would be in a case where if he would lend money with interest to a gentile, he would gain substantially. Is he still required to lend to a Jew without interest?

He questions the basis of the *halachah*: Do we not say that whenever a person would suffer a loss, his needs take precedence over others?

He answers that it is different here, for the *mitzvah* to lend to a poor person is a *mitzvah* of *tzedakah*; one is required to do whatever is in his means in order to sustain his fellow Jew. One must be concerned about his own losses only when the *mitzvah* regarding his fellow is to prevent him from a loss.

The *Megilas Esther* writes that one is obligated to lend to a Jew interest-free even if he has the possibility of lending

to a gentile for a substantial amount of interest. This is because the Jew is not losing; he is merely not gaining.

The *Shaar Hamishpat* disagrees with this, and *Ahavas Chesed* cites several different opinions with respect to this issue.

### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Is one allowed to lend the money of orphans with prearranged interest?

A: No.

Q: What leniency regarding interest is allowed with the money of orphans?

A: It can be used for an *iska* arrangement even though there is a strong probability for it to result in a profit, and only a small likelihood of suffering a loss.

Q: What will happen with money of interest collected illegally?

A: The government will take it away and it will be distributed amongst gentiles.