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Bava Metzia Daf 61

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

### ***Neshech and Tarbis***

Ravina says: The verse does not have to specifically say *neshech* regarding food or *ribbis* regarding money. If the verse would say, “Do not give him your money with *neshech* and your food with *marbis*,” it would be as you said. However, now that it says, “Do not give him your money with *neshech* and in *marbis* do not give your food” (with *neshech* and *marbis* written right next to each other), it should be interpreted as follows. “Do not give your money with *neshech* or *marbis*, and with *neshech* and *marbis* do not give your food.”

The *Gemora* asks: Didn’t the author of the *braisa* just say that this lesson is taught using a *gezeirah shavah* of “*nemar nemar*?” [How can Ravina, who is an *Amora*, argue on the author of the *braisa* who is a *Tanna*?]

The *Gemora* answers: The *Tanna* means to say that if the lesson would not have been able to be learned as stated by Ravina, we would be able to derive it through a *gezeirah shavah* of “*nemar nemar*.” Being that the verse is stated as it is, there is no need for the derivation.

The *Gemora* asks: What, then, does the *gezeirah shavah* teach?

The *Gemora* answers: We need it for *neshech* regarding the verse, “Anything that will be *neshech*,” to tell us that the lender has a prohibition (not just the borrower, as stated in the *braisa*).

### ***Theft, Interest, and Overcharging***

The *Gemora* asks: Why did the Torah have to state a prohibition regarding theft, interest, and overcharging? [Aren’t they all just cases of taking someone else’s money?]

The *Gemora* answers: They are all necessary. If the Torah would only have stated a prohibition against interest, this would be a novel law that even the borrower could not take a loan with interest (we could not derive overcharging from here). If it would only have said theft, we would say that this is because money is being taken away against his will. However, overcharging is even during a consensual transaction. We would therefore not be able to derive from theft that overcharging is forbidden. If the Torah would only state that overcharging is forbidden, it could be because he did not realize that he was being overcharged. [However, if he knows how much he has to pay back, perhaps interest would be permitted.]

The *Gemora* asks: We clearly cannot learn one law from the other. Why doesn’t the Torah state two, and allow us to learn the other law from the combination of two laws?

The *Gemora* continues: Which two could we learn from? If you would say that the Torah would not have to say the prohibition of *ribbis* (lending or borrowing with interest), and we could derive it from the combination of *gezel* (theft) and *ona’ah* (overcharging or underpaying), this is incorrect. This is because one could say that these two are without the knowledge of the victim, while *ribbis* is with the knowledge of the borrower that he will have to pay back more than he borrowed.

If you will say that we should derive *ona’ah* from *gezel* and *ribbis*, we could say that these two are different as they are not being done in a normal buying and selling fashion. [It is normal for people to buy something for more than its market value if they really need it.]

Why don’t we derive theft from *ribbis* and *ona’ah*? What could be asked? If you will say that *ribbis* is different as it is a novel law, so is *ona’ah*! If you will say that *ona’ah* is different as he



did not know he was overpaying, *ribbis* shows that this is still prohibited (*as the borrower knows he has to pay interest*)! While each is not the same, they share the common denominator that they are taking money from people in a way that the Torah deems unjust, meaning that it is stealing! We should therefore derive from these two prohibitions that stealing is forbidden! [*Why did the Torah have to write explicitly that stealing is forbidden?*]

The *Gemora* answers: This is true. Why, then, did the Torah state that it is forbidden to steal? It stated this to show that it is forbidden to withhold wages from a worker.

The *Gemora* asks: This is an explicit prohibition, as the Torah states, “Do not cheat a worker who is poor and destitute”!?

The *Gemora* answers: Rather, it is to teach us that someone who holds back money from his worker transgress two prohibitions.

The *Gemora* asks: Why don’t we say that this verse teaches us that for the sins of *ribbis* and *ona’ah*, one would transgress two negative prohibitions?

The *Gemora* answers: This is something that is derived from its context, and the context of the prohibition against stealing is alongside the prohibition of withholding the wages of a worker.

The *Gemora* asks: Why did the Torah have to say the prohibition of *geneivah* (*hidden thievery, as opposed to gezel which is brazen thievery; it can be derived from ribbis and ona’ah*)?

The *Gemora* answers: This is to tell us the laws in the following *braisa*. The *braisa* states: “Do not steal (*hidden thievery*).” This teaches us that one should not steal in order to pain someone or even to pay *keifel* (*double the value; if someone wishes to give charity to a poor person, but he refuses. He could steal from him and the keifel will serve as his charity*).

Rav Yeimar asked Rav Ashi: Why did the Torah have to state a prohibition against faulty scales? [*This is stealing, which is already forbidden!*]

He answered: This refers to someone who weighs down his scales with salt.

Rav Yeimar asked: This is also clearly stealing!

Rav Ashi replied: This prohibition teaches that once he makes the scale, even if he has not cheated anyone yet, he has already transgressed this prohibition.

The *braisa* states: “Do not commit a sin in (*personal*) judgment (*meaning*), in measures, weights, and liquid measures.” “Measures,” refers to measuring land. One should not measure one person’s land in the summer and one in the winter. [*Rashi explains that the measuring rope is wet in the winter and stretches well, while in the summer it is dry and is a smaller measure. Therefore, if one wants to divide a field evenly between two brothers, he should measure both portions during the same season.*] “Weights,” teaches not to weigh down a scale with salt. “Liquid measures,” teaches that he should not boil the liquid in order that it looks like it has reached the top of the measure, when it really has not done so. This is a *kal v’chomer*: If the Torah cares about the accuracy of a “*mesura*” (*word used in the verse to mean liquid measure but can also mean*), one thirty sixth of a lug, certainly one should be careful with a *hin*, half a *hin*, third of a *hin*, quarter of a *hin*, a lug, half a lug, and a quarter of a lug. (61a – 61b)

### ***The Mention of the Exodus***

Rava says: Why does the Torah mention the exodus from Egypt when discussing interest, *tzitzis*, and measurements? Hashem says: I am the One Who differentiated in Egypt between the drop (*of semen used to create*) of a firstborn and the drop that was not of a firstborn. I will also be the One to collect from someone who pretends his money belongs to a gentile and lends it to a Jew with interest; someone who weighs down his weights with salt, and someone who puts fake dye on his *tzitzis* and says that it is *techeiles*.

Ravina went to the city of Sura that was next to the Euphrates River (*as opposed to a different city that was simply called Sura*). Rav Chanina from Sura next to the Euphrates River said to him: Why does the Torah mention the exodus when it discusses crawling creatures (*that are forbidden to eat*)?



Ravina answered: Hashem says: I am the One Who differentiated in Egypt between the drop of a firstborn and the drop that was not of a firstborn. I will also be the One to collect from someone who mixes the innards of unkosher fish with kosher fish and sells them to Jews (*as kosher*).

Rav Sura replied: I have difficulty (*not with the mentioning of the exodus but rather*) with the fact that it says, "The One Who took you up." Why is that terminology only used here?

Ravina answered: This is to teach us the following teaching taught in the (*study*) house of Rabbi Yishmael. They taught: The verse means that if I only would have taken out *Bnei Yisrael* from Egypt so they should not become impure with crawling creatures, it would be enough.

Rav Chanina asked: Is there more reward for not eating these creatures than for keeping the laws of interest, *tzitzis*, and weights?

Ravina replied: Even though the reward is not more, they are disgusting for us to eat. (61b)

### **Types of Interest**

The *Mishna* had stated: What is *tarbis*? One who increases his assets through produce. What is a case? If he bought wheat for a *dinar* etc.

The *Gemora* asks: Were all the cases stated previously not cases of *ribbis*?

Rabbi Avahu says: Until now we mentioned cases prohibited by Torah law. Now we are mentioning cases prohibited by Rabbinic law.

Rava similarly says: Until now we mentioned cases prohibited by Torah law. Now we are mentioning cases prohibited by Rabbinic law. Until now the verse applies, "*An evil one will prepare and a righteous one will wear.*" [*This refers to the law that if a person collected interest and he bequeathed this to his sons, they do not have to give it back after they have inherited it from him.*]

The *Gemora* asks: Until now, but not now?! [*The Gemora is asking that the implication is that the sons do not have to return Torah interest that we have been talking about until now, but they do have to return Rabbinic interest. How can that be?*]

The *Gemora* answers: Rather, he meant that even until now (*i.e. Torah ribbis*) this applies (*that the sons do not have to give it back*).

Until now we were discussing prearranged interest (*when the charge of interest was arranged at the time of the loan*) that had to be returned. From here on we are discussing "dust of *ribbis*."

Rabbi Elozar says: Prearranged *ribbis* is taken away by the judges. "Dust of *ribbis*" is not. Rabbi Yochanan says: Even prearranged *ribbis* is not taken away by judges.

Rabbi Yitzchak says: What is Rabbi Yochanan's reasoning? The verse states, "*With neshech he gave and tarbis he took, and he will not live, he did all of these abominations.*" This shows that he is destined to die, but does not have to return the money.

Rav Ada bar Ahavah says: His source is the verse, "*Do not take from him neshech and tarbis, and you will fear your G-d.*" This implies that the result should be fear of G-d, but he does not have to return the money.

Rava says: He derives this from the verse, "*He will surely die, his blood will be on him.*" People who lend with interest are compared to murderers. Just as murder cannot be retracted, so too. this is not fixed by being retracted (*paying back*). (61b)

### **QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF**

to refresh your memory

Q: Is a storekeeper allowed to distribute candies to children as a way to attract customers to his store?

A: It is a *machlokes* in the *Mishna*.

Q: Why do the *Chachamim* allow a storekeeper to undercut the market price?



A: For it will lower the price for everyone.

Q: Why does the Torah state *neshech* and *tarbis* with respect of interest?

A: This way, there are two prohibitions.

### INSIGHTS TO THE DAF

The Torah forbids interest only under two conditions:

i) The capital was given as a loan: In other words, the capital was given purely as a loan (Rashi, 60b, s.v. "Leribis") as opposed to a purchasing deal where a buyer receives merchandise and pays for it later with interest. Strictly speaking, the Torah allows a vendor to collect interest on delayed payment after a purchaser buys an item (Chavos Da'as, 166, S.K. 4; see also Toras HaRibis 1:32). Some Acharonim, though, hold that if a purchaser asks a vendor after a sale to extend a payment date beyond their previous agreement and promises interest for such, the halachah depends on the disagreement between Rambam and Raavad. Rambam maintains that the Torah only forbids interest stipulated at the time of a loan. Raavad, though, holds that since the sale was completed before the purchaser asked to extend the payment, it is like a new loan, forbidden by the Torah. (See Rambam, Hilchos Malveh veLoveh 6:3 and Raavad, *ibid*; the Rishonim, commenting on Kiddushin 6a, adopted Raavad's opinion and see further in Shulchan 'Aruch, Y.D. 166:2).

ii) The interest is stipulated: Interest on a loan is forbidden only if specified in advance between the creditor and debtor and independent of any condition, including the debtor's financial state or the success of the venture for which he borrowed the funds. If they agree on an amount of interest dependent on some event or condition, they do not transgress the Torah prohibition against interest.

The difference between lending and renting: Apparently, we may ask why someone may rent out property for profit but not lend funds for the same purpose. The Rishonim indicate that the Torah forbids interest on loans in order to ensure a fair balance in the business world. In other words, the Torah wants to enable more or less equal chances of profit or loss for each

party in a transaction. In a transaction involving an interest-bearing loan, the lender has a better chance to profit than the borrower as he assumes no risk: the debtor must repay the loan even if he loses his money. On the other hand, the debtor can't be sure of any profit from the borrowed funds and may even forfeit the whole amount.

Interest forbidden in rental transactions: Someone, though, who rents out property risks loss, either from depreciation due to increased use or as the property may be lost to force majeure (oness) in the renter's care. The overall message of the Poskim is that the Torah seeks to prevent transactions where one side profits but assumes no risk. Therefore, someone who rents out property and demands the renter's responsibility for the unconditional preservation of its value – i.e, if their agreement demands the renter to compensate the owner in case of force majeure or for depreciation, including decreased value due to market fluctuations – he transgresses the Torah's prohibition against interest (*ribis d'oraisa*). After all, he lets another use his property with no risk to himself and also collects a rental fee: the permission to use the property in such risk-free conditions is considered a loan and the fee is *ribis d'oraisa* (see Toras HaRibis, Ch. 13; Berur Halachah, S.K. 1; and the source of the halachah in Bava Metzi'a 70a concerning *tzon barzel*, or "an iron flock").

### DAILY MASHAL

The Gemara explains the connection between the prohibition to charge interest and the Exodus: "I distinguished between a firstborn and one who was not a firstborn. I also know and exact punishment from one who lends to a Jew with interest and says that it belongs to a non-Jew" [Bava Metzia 61b]. [While the Torah permits Jews to lend and borrow commercially with non-Jews, meaning with interest, the Torah demands that loans between Jews be interest-free.]

In other words, G-d knows the facts. If He could discern which person was a first born and which person was not a first born during the Plague of the Firstborn, He can certainly see through any false claims involving interest transactions.

The Gemara has a similar exposition regarding two other *pasukim*.



Following the command of Tzizis in Parshas Shlach, the verse says: "I am the L-rd, your G-d, who took you out from the Land of Egypt" [Bamidbar 15:41]. Why is this pasuk located in the chapter of Tzizis? Again, the Talmud states "I am the One who distinguished between the drop that was a first born and the drop that was not a first born. I will be able to distinguish and punish someone who places strands of kaleh ilan (a cheap imitation dye) on his clothing and claims it is (authentic) techeles." [ibid]. In other words, G-d, who knew the authentic first born in Egypt, will know and punish someone trying to sell fake techeles as the real thing.

The Torah makes a similar exposition in a third place, in Parshas Kedoshim: "You shall have correct scales, correct stones, a correct ephah, and a correct hin - I am Hashem, your G-d, Who brought you forth from the land of Egypt." [Vayikra 19:36]. Again, the Talmud says, the connection is similar: The G-d, who was able to detect the identity of the true first born in Egypt, will be able to detect any attempt to falsify weights and measures and thereby cheat in business transactions.

Rav Shimon Schwab explains that the common denominator between the expositions by the cases of interest, Tzizis, and weights and measures is that all three represent attempts to deviate from the truth. The Exodus from Egypt (Yetzias Mitzrayim) was the ultimate demonstration of Truth in the world. At the moment of Exodus there was no faking and no hiding. The Master of the Universe, who is the epitome and essence of Truth, revealed Himself and at that moment, anything that was not true, paid the price.

This G-d, who is the epitome of Truth, will punish those who try to be deceptive - be it in interest transactions, be it in the sale of false techeles, or be it in the use of false measures.

Rabbi Yissocher Frand notes that Rav Schwab added that this explains the universal custom of appending the word "Emes" [Truth] to the end of the third chapter of Krias Shma. We append the word "Emes" immediately after the pasuk that states "I am the L-rd your G-d who took you out of the Land of Egypt, to be for you a G-d; I am the L-rd your G-d".

In reality, the word Emes is not part of the recitation of Krias Shma. It is the first word of the next paragraph (Emes v'Yatziv in the morning or Emes v'Emunah at night). It is peculiar that this word should be appended to the Biblically mandated recitation of Krias Shma, since it is not part of the Biblical pasukim. In contrast, we make a clear demarcation between the Biblically mandated portion of the multi-paragraph Grace After Meals, and the additional Rabbinic paragraphs, by inserting the word "Amen" following "Boneh Berachamav Yerushalayim". Why do we blur the demarcation in Krias Shma by appending the word Emes to the Biblical pasuk regarding the Exodus?

The answer is that the word 'Emes' is the essence of the whole idea of Hashem taking us out of Egypt. During Yetzias Mitzrayim, G-d revealed His Essence to us. His Essence is Truth. Consequently, immediately after mentioning the Exodus, we append the word 'Emes'.