



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Kuf Yud Gimme

MISHNA

- If a lender wishes to take collateral on a loan (that is due and has not been paid), he must do so in Beis Din. He may not enter the borrower's house to take the collateral, because the pasuk says "bachutz taamod". If the borrower had 2 keilim that together equaled the value of the loan, he may take one and leave the other one (which is needed at that time by the borrower). For example (if he took a pillow and a plow), he returns the pillow at night and the plow by day. If the borrower dies, he need not return the items to the heirs. **R' Shimon ben Gamliel** says, even to the borrower himself, the items only need to be returned for 30 days. From 30 days and on, he may sell them in front of Beis Din and use the money to pay off his loan.

GEMARA

- **Shmuel** said, a shaliach of Beis Din may grab something from the borrower in the street and give it to the lender as collateral, but he may not enter the house of the borrower to take collateral for the lender.
 - **Q:** Our Mishna said that the lender may not take collateral, which suggests that Beis Din would even be allowed to take from the borrower's house!? **A: Shmuel** would say, the Mishna should read as saying that the lender may not even take something from the borrower in the street, except in front of Beis Din (as opposed to Beis Din, who may do that, but neither of them may enter the borrower's house to take collateral).
 - This reading of the Mishna makes sense as well, because the Mishna then says that "he may not enter the borrower's house to take collateral". Who is the "he"? It can't refer to the lender, because the earlier part of the Mishna says he can't even take on the street!? Rather, it must refer to the shaliach of Beis Din, and we see that he also may not enter the borrower's house.
 - This is no proof. The Mishna may mean that the lender may not even take from the borrower in the street, only in Beis Din, so that he not come to enter into his house to take collateral. However, Beis Din may send a shaliach even into the borrower's house to take collateral.
 - **Q: R' Yosef** asked, the pasuk says that one may not take a millstone as collateral, which suggests that other items could be taken from the borrower's house. The pasuk also says that one may not take the garment of a widow as security. This suggests that he may take another borrower's garment (even from the house) as collateral. Now, this can't permit the lender to enter the borrower's house, because the pasuk says that he may not. Rather, it must refer to the shaliach of Beis Din, and we see that he may enter the borrower's house!? **A: R' Pappa the son of R' Nachman** (or of **R' Yosef**) explained, it may be that both pesukim refer to the lender, and the pesukim are making him be oiver two laavim if he goes into the house and takes collateral.
 - **Q:** A Braisa says, from the fact that the pasuk says "bachutz taamod" we would know that we would instead have to wait for the borrower to bring the collateral outside. Why does the pasuk then have to say that the borrower should bring it out? It is to include a shaliach of Beis Din in this halacha. Now, presumably this means that the shaliach of Beis Din is treated like the borrower, and may therefore enter the house as well!? **A:** The Braisa means that the shaliach is treated like the lender, and he may therefore *not* enter the borrower's house.
 - **Q:** A Braisa says that the pasuk that says "if you shall take the garment of your friend as collateral" is referring to a shaliach of Beis Din, who may even enter the borrower's

house to take collateral!? **A:** It is actually a matter of machlokes among Tanna'im. There is one Braisa that says that a shaliach of Beis Din may not enter the house of the borrower to take collateral, and there is another Braisa that says that a shaliach of Beis Din may enter the house of the borrower to take collateral, but should not take items needed for food preparation. We see that the statement of **Shmuel** is actually a machlokes among the Braisos.

- The second Braisa continues and says, when taking collateral, the lender must leave over a bed and another bed with a felt covering if the borrower is a wealthy person, and he must leave over a bed and another bed with a mat if the borrower is a poor person. He must only leave these things for the borrower himself, and need not worry about his wife and children. The same way we make this arrangement for a borrower, we make the same arrangement in the case of one who is chayuv to pay for an eirechin vow.
 - **Q:** The case of eirechin is actually where we are taught to make an arrangement for the one who made the vow. If anything, we learn the case of a borrower from the case of eirechin!? **A:** Read the Braisa as saying, that just as we make an arrangement for eirechin, we also make an arrangement for a borrower as well.
- **Q:** The Braisa said we must leave 2 beds for the borrower. Who is this second bed for? It can't be for his wife or children, because the Braisa said that he does not need to leave anything for them!? It must be for him, but why does he need two beds? **A:** One bed on which to eat, and one on which to sleep. We learn that this is necessary from **Shmuel**, who said it is absolutely necessary (for health reasons) for someone to walk 4 amos between eating bread and going to sleep. Having 2 beds will force the person to do this.
- A Braisa was taught before **R' Nachman**, that said that just as we make an arrangement for eirechin, we also make an arrangement for a borrower as well. **R' Nachman** said, if we can sell the borrower's items to pay for the loan, do you think we would have to make an arrangement for him!?
 - The one who taught the Braisa made the statement according to **R' Shimon ben Gamliel**, who said that we sell the items of the borrower. That was the basis of **R' Nachman's** question.
 - **Q:** Maybe even according to **R' Shimon ben Gamliel** we may only sell the items that are not suitable for his status (they are luxuries), but may not sell the essential items? **A:** He cannot hold of that logic, because we find elsewhere that **Abaye** says that he holds that all Yidden are given the status of princes. If so, everything they have would be considered suitable for them (and would not be unnecessary luxuries). We see this when **Abaye** said, **R' Shimon ben Gamliel, R' Shimon, R' Yishmael and R' Akiva** all say the same concept that all Yidden are considered to be "princes". **R' Shimon ben Gamliel** said that raw beans are not muktzeh for anyone even though only the wealthy and royal families keep ravens (who eat this) as pets. **R' Shimon** says that all Yidden may smear rose oil on their wounds on Shabbos since princes use it even during the week and even not on their wounds. **R' Yishmael and R' Akiva** say that no Yid may be forced to sell his expensive coat and to wear a cheaper one to be able to pay back his creditors, because all Yidden are considered fit to wear such an expensive coat.
- **Q: R' Chaga** asked, why can't the lender tell the borrower "I do not have to support you (and leave you over items to live with)"? **A: Abaye** said, the pasuk says "ulecha tihyeh tzedaka", which makes it the responsibility of the lender.