

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

Bava Metzia Daf Samach Aleph

- A Braisa says, the pasuk says "es kaspicha lo sitein lo b'neshech u'vimarbis lo sitein achlecha". From here we would only know that neshech applies to lending money and tarbis applies to lending food. How do we know that neshech applies to food? Another pasuk says "neshech ochel". How do we know that tarbis applies to money? Another pasuk says "neshech kesef", which can't be referring to neshech of money, because that pasuk already says "lo sashich l'achicha". Therefore, it must be referring to tarbis of money. How do we know that the issur of tarbis applies to the lender as well (the pasuk speaks in terms of the borrower)? The word neshech is written with respect to a borrower and with respect to a lender. We learn a gezeira shava which teaches that just as the neshech written in regard to the borrower applies the issur regarding money and food, and applies neshech and tarbis, the same would apply to the lender as well. How do we know that these laws apply to lending of all other items as well? The pasuk says "neshech kol davar asher yishach".
 - Ravina said, the issur of neshech for loans of food and the issur of tarbis for loans of money don't have to be taught by a gezeirah shava. From the fact that the pasuk of "es kaspicha lo sitein lo b'neshech u'vimarbis lo sitein achlecha" writes "b'neshech u'vimarbis" together in between "money" and "food", the pasuk can be read as applying money to both and as applying food to both.
 - Q: The Braisa said this is learned from the gezeirah shava, so how can Ravina argue on a Braisa? A: He would say that the Braisa means, if the pasuk wasn't written in this way we would have needed a gezeirah shava. However, since it was, the gezeirah shava is not needed to teach this.
 - Q: So what is the gezeirah shava used for? A: It is needed to teach that the pasuk of "neshech kol davar asher yishach" applies to the lender as well.
- Rava asked, why did the Torah have to write a lav for ribis, a separate one for gezel, and yet another one for ona'ah? Why couldn't they be learned out from each other? Rava said, they are all necessary. If we would only have a lav of ribis, we would say ribis is a chiddush, because the lav even applies to the borrower! If we would have only had a lav by gezel we would say gezel is different, because it was forcibly taken from the person, but ona'ah was given willingly. If we would only have the lav by ona'ah, we would say it is because the deceived party doesn't even realize that he has a claim to be mochel, but in the other cases he is aware.
 - Q: Although we cannot have learned any two from any single one, maybe we could have learned one from the other two? Which one can we learn from the other two? If ribis was not written we would say it can't be learned from gezel and ona'ah, because those are done without the person's consent. If ona'ah was not written we would say it can't be learned from ribis and gezel, because those cases are not cases of money taken in a regular transaction, whereas ona'ah is (people at times are willing to pay more than market value for a particular item). However, gezel did not have to be written and we could learn it from ribis and ona'ah. If you would ask that ribis is a chiddush, we would say that ona'ah is not a chiddush and yet there is a lav. If you would say that by ribis he knows to be mochel and yet there is a lav. Based on this we could have learned out gezel, so why was the lav of gezel explicitly written? A: It teaches that there is a lav to withhold payment from an employee.
 - Q: The lav against withholding payment is learned from an explicit pasuk of "lo saashok sachir ani v'evyon"!? A: It was needed so that one who does withhold payment would violate two lavim.

- Q: Why don't we instead say that the lav of gezel is referring to ribis or ona'ah and is meant to apply two lavim there? A: The pasuk of gezel is written in the context of the lav of withholding payment from an employee, so it makes sense to say that it applies to that lav.
- Q: Why did the Torah have to write "lo tignovu" (it could be learned from ribis and ona'ah)? A: It is needed as taught in a Braisa, that one may not steal even if he is doing so just to annoy somebody (he will return the item), or even if he is doing so to make himself chayuv to pay keifel.
- Q: R' Yeimar asked R' Ashi, why did the Torah have to write the lav against having false weights? A: R' Ashi said, it is needed for the case of where someone makes heavier weights.
 - **Q:** That seems to be a case of straight up gezel!? **A:** The pasuk makes him violate a lav just by making the weights.
- A Braisa says, the pasuk regarding false measures says one should not use false measures of "midah" referring to measure of land, that division of land must be measured in the same season, so that the string used to measure is not more stretchable when measuring for one but not the other, "mishkol" this refers to weights, that one may not bury his weights in salt, causing their weight to change, and "mesurah" which refers to liquid measure, and teaches that one should not make bubbles on the liquid and then measure the bubbles as if they are liquid. This seems to be a kal v'chomer. If, regarding liquids the Torah was particular about the measure of a mesurah, which is equal to 1/36 of a log, how much more so one must be careful when measuring larger amounts.
- Rava asked, why is it that the Torah mentions Yetziyas Mitzrayim regarding ribis, regarding tzitzis, and regarding honest weights? Rava said, Hashem is telling us "I am He Who differentiated between who was a bechor (whether to his mother or his father) and who was not, and I am He Who will punish those who give their money to a goy to lend for them with interest, and those who bury their weights in salt, and those who use blue dye on their tzitzis and claim that it is techeiles."
 - O R' Chanina of Sura D'Pras asked Ravina, why does the Torah mention Yetziyas Mitzrayim regarding the halachos of non-kosher animals? He answered, Hashem is telling us "I am He Who differentiated between who was a bechor (whether to his mother or his father) and who was not, and I am He Who will punish those who mix the insides of non-kosher fish with that of kosher fish, and sell it to a Yid". R' Chanina said, I was asking why the pasuk uses the verbiage of "I Am Hashem who took you up from Mitzrayim". Why the use of "took up" instead of the more usual "took out"? Ravina said, it is as taught in a Braisa of R' Yishmael which says that Hashem says it was worth to take the Yidden out of Mitzrayim even if only for their keeping of not eating non-kosher animals. R' Chanina asked, are we to say that the reward for this is greater than for the keeping of ribis, tzitzis, and honest weights? Ravina answered, although the reward may not be greater, it is still disgusting to eat these things, and therefore a nation that does not, is considered to be elevated on a higher level (therefore the use of the words "took up").

V'EIZEHU TARBIS HAMARBEH B'PEIROS...

- **Q:** Are the previous cases of the Mishna not also tarbis? We have said they are, so why does the Mishna suggest that from here we begin a case of tarbis? **A: R' Avahu** said, the Mishna means that the previous cases were D'Oraisa, but from this point we begin with ribis D'Rabanan. **Rava** said this as well. **R' Avahu** continued and said, even in the first case, if such money was earned by a rasha, he will not live to enjoy it, but will rather end up leaving it for an heir who is a tzaddik to enjoy. **R' Avahu** then said, until this point of the Mishna is what we call "ribis ketzutza" (prearranged ribis). From this point forward it is "avak ribis" (secondary interest).
 - R' Elazar said, ribis ketzutza must be returned to the borrower and he can be forced to
 do so in Beis Din. Avak ribis will not be taken by Beis Din. R' Yochanan said, that even
 ribis ketzutza is not collectible by Beis Din.
 - R' Yitzchak said, R' Yochanan's view is based on a pasuk that says that a lender with ribis will surely die. He darshens that the person is subject to death, but not to having the money taken away from him. R' Ada bar Ahava said, the basis is the pasuk of ribis that says "v'yareisa mei'Elokecha", which teaches that a

person who lends with ribis must fear punishment from Hashem, but not the money being taken away from him. **Rava** said, the basis is the pasuk that says "mos yumas damav bo", which compares a lender with ribis to a murderer – just as a murderer does not pay and receive a kaparah, so too the lender of ribis need not pay.

- R' Nachman bar Yitzchak said, R' Elazar's view is based on the pasuk of ribis that says "v'chei achicha imach", which he darshens to mean – return the money so that he can financially live.
 - **Q:** What would **R' Yochanan** darshen with this pasuk? **A:** He uses it as does a Braisa, which says that **R' Akiva** says, if 2 people are travelling and there is enough water for only one of them to drink and live long enough to make it to civilization, the owner of the water does not need to share the water with the other person. This is based on the pasuk of "v'chei achicha imach".