



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

### Bava Metzia Daf Samach Daled

- **R' Kahana** said, I once heard the end of **Rav's** shiur and heard that he was talking about "kari" (squash). I asked the talmidim what **Rav** had said. They told me, **Rav** said, if someone gave money to a farmer for the squash when the market price was 10 smaller ones for a zuz, and the farmer said, if you give me the money now I will even give you 10 larger ones for a zuz, the halacha is, that if he has larger ones in his possession it is mutar. If not, it is assur.
  - **Q:** This halacha is obvious based on a Mishna which has been quoted!? **A:** We would think that since even if he has small ones they will grow into large ones on their own, maybe it is mutar even if he only has small ones in his possession now. **Rav** therefore teaches that it is not allowed unless he had large ones in his possession at that time.
  - **Rav** follows the Tanna of the following Braisa. A Braisa says, if someone is going to milk his goat, or shear his sheep, or collect the honey from his bees and he offers another person to give money now and get whatever the yield will be, it is mutar. However, if he offers to take money up front for a certain amount of product (at a cheaper price), it is assur. Now, the milk, wool, and honey grow on their own, and still, since he doesn't have possession of it at the time it is assur. This agrees with what **Rav** said.
  - **Others** say that **Rava** said, even if the person only has small squash at the time, since they will grow on their own into large squash it is mutar to enter into the deal and pay in advance.
    - **Q:** The Braisa seemed to say that it is assur!? **A:** The cases are very different. The milk, wool, and honey do not grow. There is more that is created. If you take away the first milk, more will be produced. With regard to the squash, it itself grows. If you take it away, another one does not grow. That is why the cases are treated differently.
- **Abaye** said, it is mutar for a person to give money to a wine merchant for a barrel of wine with a delivery date in the future, and to tell him "if the wine spoils, the sale is cancelled, but if it increases or decreases in value, it should remain in effect". **R' Shravya** asked **Abaye**, the buyer here has little downside risk (because the sale is batel if the wine spoils) and a lot of upside potential, and it should therefore be viewed as a loan with ribis, and it should be assur!? **Abaye** said, since he does have downside risk of the decrease in the price of the wine, it is considered a real risk and is a business arrangement, not a loan, and is therefore mutar.

### MISHNA

- If someone lends money, he may not live in the borrower's chatzer for free, and may not even rent it for less than the market price, because doing so would constitute ribis.

### GEMARA

- **R' Yosef bar Menyumei in the name of R' Nachman** said that although one who lives in another's chatzer without his knowledge need not pay rent, if the squatter is also a creditor of the owner of the chatzer, he must pay rent.
  - **Q:** What is his chiddush? Our Mishna already said that!? **A:** From our Mishna we would think this only applies to a chatzer that is usually rented out and a person that usually pays rent to live in a chatzer (he has nowhere else to live), but if this chatzer is not usually rented out and if this creditor does not usually pay to live in a chatzer, we would say that it is mutar. **R' Nachman** therefore teaches that even in this case it is assur.
  - **Others** say that **R' Yosef bar Menyumei in the name of R' Nachman** said that although one who lives in another's chatzer without his knowledge need not pay rent, if the

owner of the chatzer told someone “lend me money and then you may live in my chatzer”, he would have to pay rent.

- The first version of **R’ Nachman** would certainly agree with the case of the second version of **R’ Nachman**. The second version of **R’ Nachman** would not agree with the case in the first version, because he would say that since it was not known at the time of the loan and was therefore not his intention in giving the loan, it is not a problem.
- In the household of **R’ Yosef bar Chama** they would seize the slaves of people who owed them money. His son **Rava** said to him, how do you use slaves that don’t belong to you? **R’ Yosef** answered, I am following **R’ Nachman** who said it costs more to feed a slave than the value of his work, and since I am feeding the slaves I am using, the masters are happy that I am using them. **Rava** said, **R’ Nachman** only said that about lazy slaves, not all slaves! **R’ Yosef** said, I hold like **R’ Daniel bar Katina in the name of Rav** said, that if someone grabs someone else’s slave and works with him, he does not have to pay for the work done when he returns the slave to the owner. We see that a master is happy when someone works with his slave, so that he does not learn to be lazy. **Rava** said, that applies in a normal case, but since you are taking the slaves of people who owe you money, it looks like you are taking ribis, and **R’ Yosef bar Menyumei in the name of R’ Nachman** said, that although one who lives in another’s chatzer without his knowledge need not pay rent, if the squatter is also a creditor of the owner of the chatzer, he must pay rent!? **R’ Yosef** said, if so, I will stop seizing these slaves.