



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

Bava Metzia Daf Samach Ches

- **R' Ashi** said, the elders of Mata Mechasya told me, collateral that is given without a specific time limit is given for one year.
 - The point of this statement is, that if the lender has already eaten produce for a full year, the borrower may then pay back the loan and take the field back. If not, the borrower may not yet take it back.
- **R' Ashi** also said, the elders of Mata Mechasya told me, the word "mashkon" (collateral) derives from the words "shechuna" (dwell).
 - The point of this statement is to teach that the lender is considered the closest person to the field for purposes of "bar metzra", and would therefore have the right of first refusal on this field if the borrower decided to sell.
- **Rava** said, the halacha does not follow: **R' Pappa** with regard to his tarsha sales (learned previously), the Mechuzan documents (where they would write partnership agreements that stated that the partner supplying the capital is entitled to a return of capital, and would add the estimated amount of half of the profits to that amount of capital. Since it is possible that that amount can be for more than half the profits, we do not allow it), or the leases of Narshai (where they would write that the borrower gives the land as collateral to the lender and then leases it back from him. The halacha doesn't follow this arrangement, because people will not realize that the lender was actually koneh the field with the money that was given, and when they see payments going to the lender they will think it is interest on the loan).
 - The Gemara said, in later times where the lease specifically said that lender was koneh the field and then leased it, it is mutar. However, the Gemara then says this is not so, and it still remains assur.

MISHNA

- A person may not enter into an arrangement where he provides a storekeeper with all the merchandise to sell, in which both parties will share equally in the profit and loss, and he may not enter into an arrangement where he provides all the capital for someone to buy and then sell merchandise in which both parties will share equally in the profit and loss, unless he pays something to the working partner for his services (if he doesn't, the work is viewed as ribis on what is essentially a loan).
- A person may not provide eggs to a farmer to have them hatch and then split the profits and losses, or provide young animals to be raised and then split the profits and losses, unless he pays the working partner for his work and pays for the food. However, this may be done if the working partner is not to share in any loss.
 - The responsibility of raising the animals would continue until they reach 1/3 of their full growth, and in the case of a donkey it is until it can bear a burden.

GEMARA

- A Braisa says, the storekeeper must be paid like an idle worker (which seems to mean the amount that a worker would take to leave his job and sit idle).
 - **Q:** What is meant by an "idle worker"? The storekeeper is not sitting idle!? **A: Abaye** said, he is to be paid like a worker who is paid to leave his job and become a storekeeper.
- Both cases of the Mishna are necessary (giving produce to the storekeeper and money to the buyer and seller). If we would only give the case of the storekeeper, we would say that he can be paid that little amount (of an idle worker) because he doesn't put much effort into selling. However, in the other cases, where the person must buy and sell, maybe he would have to be paid more. If we would only have the case of the buyer/seller, we would think only he must be

paid that much, but a storekeeper, who uses little effort, maybe can be paid a lot less. That is why both cases are needed.

- A Braisa says, **R' Meir** says, the amount paid to the working partner for his work can be any agreed upon amount. **R' Yehuda** says, even if the working partner only dipped his food into fish sauce of the capital partner, or ate one date with him, it is sufficient. **R' Shimon ben Yochai** says, he must give him his full wage.
- A Braisa says, a person may not appraise goats or sheep or anything that eats and does not work and give them to someone to raise for half the profits. **R' Yose the son of R' Yehuda** says he may do so with goats, because they produce milk, and with sheep, because they produce wool, and with chickens, because they produce eggs (and these items are the wages of the working partner and the payment for the food).
 - **Q:** Does the **T"K** hold that these produced items can't cover the wages and the food? **A:** He only argues when the working partner is only given the whey of the milk, and the wool that comes off when washing the animal or by getting stuck on thorns. The **T"K** holds like **R' Shimon ben Yochai**, and holds that these items are not enough for full wages. **R' Yose the son of R' Yehuda** holds like his father (that a tiny amount is sufficient) and that is why even these items are sufficient.
- A Braisa says, a woman may rent a chicken to her friend to be used to sit on eggs to hatch for a fee, such as for 2 baby chicks per year. However, if the owner of the chicken says, "I'll provide the chicken, you provide the eggs, and we should split the chicks, **R' Yehuda** says it would be mutar, and **R' Shimon** says it is assur.
 - **Q:** How does **R' Yehuda** allow the chicken owner to do all the work and not be paid for it? **A:** She gets to keep the eggs that don't hatch, and that is her wage.
- A Braisa says, in a place where it is customary to pay people who raise young animals a fee for having to carry the animals on their shoulders, this fee must be paid in order to enter into a partnership agreement (as described above). One should not do different than the custom of the place that he is in. **R' Shimon ben Gamliel** said, one may appraise a calf with its mother, and a pony with its mother, and not have to give any fee for carrying the young animal (because it follows its mother and doesn't have to be carried).
 - **Q:** **R' Shimon ben Gamliel** doesn't require any fee for the work or the food? **A:** The working partner keeps the animal waste and can sell it as fertilizer. That is his wages.
 - The **T"K** holds that the animal wastes are made hefker and are therefore not considered to be wages.
- **R' Nachman** said, the halacha follows **R' Yehuda** (that a minute amount is sufficient for wages for the working partner), and the halacha follows **R' Yose the son of R' Yehuda** (that the whey of the milk and the shreds of wool that are ripped off by thorns are sufficient wages for the working partner), and the halacha follows **R' Shimon ben Gamliel** (that a young animal with its mother doesn't require any wages).
 - There was a document that was brought to the children of **R' Ilish** (after he had passed away) which detailed a partnership arrangement in which **R' Ilish** agreed to get half the profit and half the losses, but did not mention any wages for **R' Ilish**. **Rava** said, **R' Ilish** was a great person, so it can't be that he would have had an arrangement which involved ribis. Therefore, we must understand the document as giving **R' Ilish** a choice to either participate in half the profits, but to only be responsible for 1/3 of any loss, or to be responsible for half the loss, but to participate in 2/3 of any profit.
 - **Q:** **R' Kahana** said, **R' Zvid of Neharda'ah** asked me, maybe **R' Ilish** had dipped his bread into the capital partner's sauce, which **R' Yehuda** said is sufficient wages, and **R' Nachman** had paskened like **R' Yehuda**!? **A:** **R' Kahana** answered, when **R' Nachman** said that the halacha follows those 3 views, he didn't mean that we pasken that way. He meant that those 3 views all follow one line of reasoning.
 - He must be correct, because why did **R' Nachman** have to say that the halacha follows each of them? He could have just said that the halacha follows **R' Yehuda**, who is the most meikel from them all!? It must be that he was saying that they all follow the same reasoning (and was not making a psak halacha).