



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

Bava Metzia Daf Samach Tes

- **Rav** said, if the capital partner tells the working partner “all profits in excess of 1/3 of the value of the capital will belong 100% to you”, it would be mutar even if the working partner doesn't get any wages. **Shmuel** said, if the profit doesn't exceed the 1/3, it will turn out that the working partner was paid nothing for his work. Therefore, he must at least give him a dinar if the profits don't exceed the 1/3.
 - **Q:** Does **Rav** really hold that he need not give any wages at all in this case? We find that **Rav** said that when there was a partnership where one gave the animal and the other was going to fatten it up, that the working partner receives the head of the animal as his wage. Presumably this is talking about the case discussed above, and we see that **Rav** required a wage to be given!? **A:** The case is where the capital partner said, “either the profit in excess of 1/3 will be yours, or the head of the animal will be yours”. **A2: Rav** said that one doesn't have to pay wages when he makes this deal, only if the working partner had animals of his own that he was taking care of anyway. It is little extra effort to care for an additional animal, and that is why he does not need to get paid for doing so.
 - **R' Elazar of Hagraunya** gave an animal to a sharecropper to fatten for him. He gave him half the profits and gave him the head of the animal as his wages. The sharecropper's wife said, just imagine how much more you would get if you had actually invested half the money with him as well! This person went and did exactly that. When it came time to divide that animal, **R' Elazar** only split the profits with him, and didn't even give him the head. When the person complained, **R' Elazar** explained, last time the arrangement is viewed as a loan (partially) and if I would not have given you something extra, your work for me would be viewed as ribis. Now, that we are truly partners, I don't have to do that.
- A Braisa says, if one enters a partnership where he gives an animal to another person to be raised, how long must this working partner raise the animal before he can ask for the profits to be divided? **Sumchos** says, for donkeys it is 18 months, and for small animals it is 24 months. If the working partner wants to divide earlier than this timeframe, the capital partner can prevent him from doing so, because caring for the animal gets progressively more difficult. Therefore, the deal was only made if the person would care for the animal during the latter half of the timeframe.
 - A Braisa says, if someone enters into this type of partnership, for how long must the working partner care for the offspring of the animal that was given? In the case of small animals it is 30 days, and in the case of large animals it is 50 days. **R' Yose** says, for small animals it is 3 months, because they require more care (they have small teeth). After this timeframe, if the working partner continues to care for it, he is entitled to his half, and to half of the further profits of the capital partner's half of the offspring (it is as if the capital partner took his half and put it into a new partnership as capital).
 - **R' Menashyeh bar Gada** was a working partner who raised the offspring of the animal beyond the required time. He therefore took half the profits and then half of the half from the capital partner's share (as described above). The capital partner complained to **Abaye**, who then told **R' Menashyeh**, you had no right to divide on your own, and therefore the division was not a valid division. Also, this is a place where the custom is to raise the offspring until they mature, and therefore you had no right to divide the profits, based on a Mishna that says you must follow the custom of the place.
 - There were 2 people who entered into this type of partnership. The working partner went and divided the money of the profit without telling the other partner. He then

reinvested all the money and took the profit from his half, and half the profit of the capital partner's half. **R' Pappa** said this was proper even though it was done without his knowledge, because **R' Nachman** has said that money is considered to be divided on its own (because it doesn't need to be appraised). The next year these 2 people entered into this type of partnership with barrels of wine. The capital partner went and divided the profits without the knowledge of the working partner. **R' Pappa** said, you had no right to divide that on your own. The capital partner felt that **R' Pappa** was just biased against him (he paskened against him both times). **R' Pappa** therefore explained, in the case of the money all the coins were of equal quality, and the division is therefore surely equitable. In the case of the wine there are better barrels and worse barrels, and therefore you can't divide it unilaterally.

- When **R' Nachman** said that money is considered as if it is divided, that is only when all the money is of the same quality.
- **R' Chama** rented out (as opposed to lending) his coins for the day (and charged a fee). Eventually, he lost all his money (which is the punishment for one who lends with interest). He had thought it was mutar, saying there should be no difference between renting a shovel or renting money. However, there truly is a difference. When renting a shovel, the actual item is returned, and any depreciation is noticeable. When renting money, other money is returned, and any depreciation is not noticeable.
- **Rava** said, a person may give a gift to a second person to convince him to lend money to a third person, because it is only ribis when it is given from borrower to lender.
 - **Rava** also said, a person may give money to a second person to convince a third person to lend money to the first person, because the borrower's payment here is payment for the second person to convince the third person, and is not ribis.
 - We find that **Abbar Mar the son of R' Pappa** took merchandise from people who asked him to convince **R' Pappa** to lend money to them, and **R' Pappa** said it was mutar.

MISHNA

- One may put a cow or donkey, or any animal that works and can be fed from the value of the work that it does, into a partnership (where the other partner will care for it) and split the profits, even without giving any wages to the working partner (the work the animal can do for him is sufficient).
 - In a place where the custom is to split the offspring immediately, it may be split immediately. In a place where the custom is for the working partner to raise the offspring until they are mature, he must do so.
 - **R' Shimon ben Gamliel** says, one can put a calf with its mother into a partnership, or a pony with its mother, without giving any additional wage.
- The owner of a field may increase the rent to a tenant in consideration of a loan that he gave to him, and it is not a ribis issue.

GEMARA

- A Braisa says, an owner of a field may increase the rent of his field to the tenant in consideration of a loan that he gives to him, and there is no concern for ribis. How is this so? If one rents a field for a payment of 10 kur of produce, and the tenant says to the owner, give me a loan of 200 zuz that I will use to improve the field and will then pay you back and will give you 12 kur per year, it is mutar (the field is now a better field and therefore deserves more rent, and that is why it is not viewed as ribis). However, he cannot make this arrangement with the tenant of a store or a ship that he is renting to them.
 - **R' Nachman in the name of Rabbah bar Avuha** said, if the landlord of a store lends money to fix up the store itself, or the owner of a ship lends money to improve the ship, he may charge more rent after this loan, just like in the case of the field.
- With regard to the rental of a ship (or other items), **Rav** said the renter can be made to pay rental payments as well as be made to pay for damage. **R' Kahana and R' Assi** asked **Rav**, a renter is not chayuv for damage, so if he pays rent he should not pay for damage. And, if he pays for damage (which means it is a loan), he should not pay rent (which would be ribis)!? **Rav** remained quiet.

- **R' Sheishes** said, **Rav's** halacha is supported by a Braisa. The Braisa says that one may enter into an arrangement where he takes an animal from another person and accepts responsibility at a set amount on it if he does not return it, and yet he may still be asked to pay a rental fee. **R' Sheishes** explained, that he has obligated himself to pay only if the animal died, but not if it is still alive and went down in value. Therefore, it is not considered to be a loan, and a rental payment is not viewed as interest.
- **R' Pappa** paskened, the halacha is that a ship owner may collect rent and damages.