



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

Bava Metzia Daf Ayin

- **R' Anan in the name of Shmuel** said, it is mutar to lend out the money of orphans with ribis. **R' Nachman** strongly disagreed and asked **R' Anan** to tell him the case in which he saw **Shmuel** allow it. **R' Anan** said, **Shmuel** had in his care the copper pot of the orphans of **Mar Ukva**, and he would rent it out and then weigh it upon its return, and charge for any decrease in its weight. Now, if it was a rental, he should not have charged for the depreciation, and if it was a loan he should not have charged a rental payment. By charging both, it was essentially a loan for which he charged interest! **R' Nachman** said, this was done not because interest is mutar for orphans. In fact, this transaction would be mutar for anybody. The reason is, that the more a pot is used on the fire, the less the copper is worth. That depreciation was being suffered by the orphans, and therefore this was not a loan, but rather was a true rental arrangement.
 - **Rabbah bar Shilah in the name of R' Chisda** (or **Rabbah bar Yosef bar Chama in the name of R' Sheishes**) said, money of orphans may be invested in a partnership where they only share in the profit and have no share in a loss.
 - A Braisa says, if a person enters into a partnership where he only shares in upside and has no risk of downside, he is a rasha. If the person takes all the downside risk and shares in the upside, he is a chossid. If the person accepts an equal amount of profit and loss, that is the way of most people.
- **Rabbah** asked **R' Yosef**, how should we deal with the money of orphans? **R' Yosef** said, we set up a Beis Din to administer the estate, and they give them a zuz at a time, as is needed for their living expenses. **Rabbah** asked, but the money will eventually be used up!? **R' Yosef** asked, how do you suggest that we deal with the money? **Rabbah** said, we look for a wealthy person who has pieces of gold (which surely belong to him, because people do not give small pieces of gold to others to watch for him) and we give their money to him as partnership in an investment where they share in the profit, but not the loss, and we take the gold from him as collateral.
 - **R' Ashi** asked, what do we do if we can't find such a person? **R' Ashi** answered, we look for someone who has quiet title to his properties, who is trustworthy, who listens to the laws of the Torah, and who was never put into cheirem. We give him the money of the orphans in Beis Din and have him use it in a partnership with him, where the orphans share in the profits, but not the loss.

MISHNA

- A person may not accept a "tzon barzel" arrangement for a partnership (where the capital partner is guaranteed his return of capital, and therefore shares no downside risk) from a Yid, because it is ribis. However, one may enter into this type of arrangement with a goy, and one may borrow from them and lend to them with ribis. The same is true for a "ger toshav" (a goy who has accepted the 7 mitzvos applicable to a Ben Noach).
- A Yid may lend the money of a goy to another Yid, with the goy's consent, but not with the Yid's consent (to be explained in the Gemara).

GEMARA

- **Q:** From the fact that the Mishna says that the tzon barzel arrangement is ribis, that means the animal is viewed as being lent to the working partner, which means that it is considered to be fully in his reshus (like any loan). However, a Mishna says, if someone is the working partner in a tzon barzel arrangement with a goy, the offspring are patur from the halachos of bechor. We see from there that the capital partner does retain possession of the animal!? **A: Abaye** said, that Mishna is discussing a case where the capital partner accepted upon himself the risk of an accidental loss and of depreciation. That is why the animal is considered to remain in his reshus.

However, our Mishna is discussing where the capital partner accepted no risk at all. In that case, the animal is considered to go into the reshus of the working partner.

- **Q: Rava** asked **Abaye**, if the capital partner accepts some risk, it would not be called tzon barzel!? Also, if you say that it is still referred to as tzon barzel, then in our Mishna, where the Mishna wants to differentiate between a case where it is mutar and a case where it is assur, instead of giving the case of a goy (where it is mutar), the Mishna could have continued giving the case of a Yid, and said it is mutar if the capital partner accepts some risk!? **A:** Rather, **Rava** said, both Mishnayos are discussing where the capital partner did not accept any risk. The reason that the offspring is patur from bechor is as follows. If the working partner can't come up with the money to pay back the goy (capital partner), the goy will seize the animal. If the animal is not around, he will seize the offspring. This gives the offspring the status of "a goy's hand is involved", which makes an animal patur from the halachos of bechor.
- A pasuk says "marbeh hono b'neshech v'tarbis l'chonein dalim yikbitzenu" (one who increased his wealth from ribis, collects it from people who like the poor – i.e. the money will end up being given to poor people).
 - **Rav** said, "chonein dalim" refers to someone like Shevor Malka, who would take money from Yidden and give it to goyim (the "poor" people stated in the pasuk, refer to goyim).
 - **R' Nachman** said in the name of **R' Huna**, the pasuk comes to teach that even interest made from goyim is subject to this result.
 - **Q: Rava** asked **R' Nachman**, the pasuk says "lanachri sashich", which seems to allow taking interest from a goy!? **A:** That pasuk allows *giving* interest to a goy.
 - **Q:** Does this mean the pasuk is commanding us to give interest to a goy (and one is obligated to do so)? **A:** It is meant to exclude one taking ribis from a Yid.
 - **Q:** That is assur based on the pasuk of "uli'achicha lo sashich"! **A:** The Torah wanted the person who lends with ribis to another Yid, to be oiver with an assei and a lo saasei.
 - **Q:** The Mishna clearly allows lending to them and from them with ribis!? **A: R' Chiya the son of R' Huna** said, the Mishna's allowance is for one to take enough for what he needs to live, but nothing more (so that he shouldn't get used to lending with interest). **A2: Ravina** said, our Mishna is discussing talmidei chachomim, who are allowed to lend to a goy with interest. The reason it is assur to lend them with interest is so that one not associate with them and learn from their ways. A talmid chochom will not do so, and therefore, he may lend them with interest.
 - **Others** say that **R' Huna's** statement was made on the Braisa taught by **R' Yosef**. The Braisa says, the pasuk says "ihm kesef talveh es ami es he'ani imach". This teaches that if a Yid and a goy both ask for a loan, the Yid must take precedence over the goy. If a poor person and a wealthy person ask for a loan, the poor person must take precedence over the wealthy person. If poor family members and poor people of your city ask for a loan, your poor family members must take precedence. If poor people of your city and the poor people of another city ask for a loan, the poor people of your city must take precedence.
 - **Q:** It would seem obvious that a Yid takes precedence over a goy!? **A: R' Nachman** said in the name of **R' Huna**, the Yid takes precedence even though the loan to him will be interest-free and the loan to the goy could be made with interest.