



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

Bava Metzia Daf Ayin Gimmel

- A Braisa says, if a merchant was transporting merchandise to a place that he could sell it at a higher price, and he met a friend on the way who wanted to buy the merchandise and offered to pay the higher price that the merchant would have gotten in the other place, but wanted to pay later (after he himself sold the merchandise in the other place, and had use of the funds), the halacha is, that if the merchandise remains the responsibility of the seller until it is sold, then it is mutar (because the friend is a shaliach, not a buyer). If the merchandise comes into the reshus of the buyer (the friend), it is assur (he is paying a higher price just so that he can have access to the money).
 - The Braisa continues, if someone is transporting produce from one place to another place, and he met a friend on the way who wanted to buy the merchandise and offered to pay for the produce with produce of his own that he owned in the destination place, the halacha is that if he actually has produce in that place it is mutar. If not, it is assur.
 - The Braisa continues, donkey drivers who sell items (with different prices for different locations) may sell to the higher priced places at the lower price, for someone who is willing to pay in advance for the items.
 - **Q:** Why are they allowed to do this? **A: R' Pappa** explained, they are giving a discount not because they are able to use the money, but rather because their suppliers treat them better when they see that they have money. Therefore, it is not considered to be ribis. **R' Acha the son of R' Ika** said, it is allowed because when they have advance orders with payment, their suppliers give them better pricing.
 - **Q:** What is the difference between these answers? **A:** The difference would be where the donkey driver is new to these suppliers. Such a donkey driver will not get a discount even with advance orders.
 - In Sura there was produce selling for 4 measures per zuz, while in Kafri it was going for 6 per zuz. **Rav** gave money to a donkey driver (in Sura) for produce, accepted responsibility for the produce for the travel to Kafri, and then took it for 5 per zuz.
 - **Q:** Why didn't he take at the rate of 6 per zuz? **A:** As a prestigious person he took extra care to avoid any possibility of ribis. Therefore he accepted responsibility, and he only took at the rate of 5 per zuz, instead of 6 per zuz.
 - **Q: R' Assi** asked **R' Yochanan**, can this arrangement be used only for produce (which is typically repeat business, and the donkey driver can therefore use the cash advanced to get a better deal), or even for other items, like pieces of metal? **A:** He answered, **Rebbi** did not allow **R' Yishmael the son of R' Yose** to use this arrangement for linen. **Others** said that **Rebbi** wanted to use this arrangement when dealing with pieces of metal and **R' Yishmael the son of R' Yose** did not let him.
 - With regard to advance payment for the future wine that a particular vineyard will yield, **Rav** said it would be assur (because in the future it will be worth more, so it looks like ribis) and **Shmuel** said it would be mutar (because there is risk that the yield will be less than expected, and it therefore does not look like ribis).
 - **R' Simi bar Chiya** said, **Rav** would permit it if the grapes will be harvested with oxen, because in that case there is high risk for loss.

- **Shmuel** told a landowner who was going to lend seeds to his sharecropper, that he (the landowner) should make a kinyan on a piece of the land, so that payment can be made from that piece and that it not be considered ribis.
- **Rava** told the field watchmen (who were paid later in the season and were paid more for waiting) to go and handle the grain on the threshing floor so that they still be considered as working, in which case their wages are not yet due and any later payment is not looked at as ribis.
- The **Rabanan** told **Rava** that he took ribis by allowing his sharecroppers a longer time to pay and in return taking a higher rate. **Rava** said, it is everybody else who does not act properly by kicking the sharecroppers out of the fields early, and not allowing their produce to properly ripen. I allow them to stay longer and have better produce, and rightfully charge them more for allowing them longer use of my field.
- **R' Mari bar Rachel** lent money to a goy, who gave him his house as collateral. The goy then sold the house to **Rava**. **R' Mari** waited 12 months and then went to **Rava** to begin paying rent for use of the house. He explained that the standard term for collateral is a year, and therefore he was entitled to live there for a year rent free. **Rava** said, had I known the house was given to you as collateral, I never would have bought it. Now that we are in this situation, we should follow the secular law, which rules that a lender may use the collateral rent free until he is repaid for the loan. Therefore, you do not owe me any rent.
- **Rava of Barnish** said to **R' Ashi**, the **Rabanan** are dealing with ribis, because they pay for wine in Tishrei and don't take delivery until Teves (and since they thereby remove risk of spoilage in the intervening months, it is ribis)! **R' Ashi** said, they pay for wine and therefore do not deserve to take spoiled wine. Therefore, they are only taking in Teves what they paid for in Tishrei. If anything would have spoiled by Teves, they would have been able to return it, since it means it was already spoiled in Tishrei.
- **Ravina** would pay for wine in advance and would receive more than he paid for. He asked **R' Ashi** whether this was mutar. **R' Ashi** said, since this wasn't prearranged or even spoken about, it is the sellers who are giving you this extra amount as a gift. **Ravina** asked, the land of the sellers was actually taken from land that had been abandoned by people to avoid taxes, and as such may constitute stolen land and stolen wine! **R' Ashi** said, the government gets the land for the unpaid taxes and the king said that whoever pays the tax is entitled to the produce of the land.
- **R' Pappa** said to **Rava**, look at some **Rabanan** who pay people's tax for them and then take the people in servitude! **Rava** said, **R' Sheishes** has said, these people have become servants to the king because of their lack of payment, and the king said that whoever pays the tax is entitled to have these people as servants.
- **R' Seoram**, who was the brother of **Rava**, would seize people who were not good, and force them to carry **Rava's** wagon. **Rava** said, this is proper based on a Braisa which darshens a pasuk to teach that if a Yid is acting improperly, one should force him into servitude (to straighten him out).
- **R' Chama** said, if a person made a shaliach to buy wine for him at the time when wine is still cheap, and the shaliach did not do so, the shaliach must buy wine and give it to the person in the amount that he could have gotten for that money had he bought it when he was supposed to.
 - **Ameimar** said, I repeated this to **R' Zvid** of Neharda'ah, who said that **R' Chama** only said that if the buyer did not specify which wine to buy. If he did, the shaliach wouldn't have to give wine for cheap, because there is no way to know that the owner of that specified wine would have been willing to sell the wine to the shaliach. **R' Ashi** said that even if he didn't specify, the shaliach would not have to provide wine at the cheap price, because any guarantee by the shaliach would be an asmachta, and as such would not be koneh.
 - **Q:** We find that if a sharecropper guarantees to work a field it is not considered to be an asmachta. Why is this different? **A:** It is entirely in the hands of the sharecropper to work the field. With regard to buying the wine, the seller has to agree as well, and is therefore not considered to be in the shaliach's hands.

- **Rava** said, if 3 people gave money to a shaliach to buy something for them, if he buys something for one of them he has bought it for all of them (they each become a partner in what was bought). However, this is only if each of their money was not separately wrapped up. If it was, then the one whose money was used is koneh.
- **R' Pappi in the name of Rava** said, when a wine merchant goes through barrels of wine to purchase and marks the ones that he wants, the marking is koneh.
 - **Q:** With regard to what halacha was this said? **A: R' Chaviva** said this was meant in terms of actual kinyan. The **Rabanan** said this was said in terms of making the parties subject to the curse of "mi shepara" if they were to back out.
 - The Gemara paskens, that the mark is only koneh with regard to making the parties subject to mi shepara. However, in a place where the custom is that the mark makes an actual kinyan, it does so.