



בס"ד

Intro

Today we will בע"ה learn דף ע"ד of מסכת בבא מציעא of מסכת בבא מציעא Some of the topics we will learn about include.

The Machlokes רב ושמואל regarding the Mishnah's Halachah of

יש לו

מותר

If at the time of payment, the seller has the produce in his possession, one may prepay at any price.

holds רב

מחוסר שתים פוסק

שלש אינו פוסק

If only two tasks remained for the products completion, even if the tasks cannot be done by a person it is considered יש לו, but if three or more tasks remained, it is considered אין לו.

שמואל wolds בידי אדם בידי אדם אפילו מאה פוסק בידי שמים אפילו אחת אינו פוסק

If the task can be done by a person, then even if one hundred tasks remained it is considered יש לי; but if the task cannot be done by a person, then even if only one task remained, it is considered אין לי

The Machlokes regarding a יבל on יבל, fertilizer, is this permitted even if אין אין or only if יש לו יש לו.

The Machlokes regarding פוסק עמו בשער הגבוה

Only if the buyer stipulates at the time of the פסיקה that if the price decreases at the time of delivery, the sale should be as per the later low price, does he receive the low price. OR even if he did not stipulate this he still receives the low price?

The Machlokes מעות קונות regarding מעות קונות; Whether one acquires moveable item through קנין כסף payment or not?



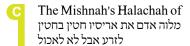




Dedicated By: _







A person may lend his share croppers wheat to be paid back in wheat, only if the wheat was to be planted but he may not do so if the wheat was to be consumed, because the בטאה prohibited one from lending אם הסאה בטאה produce to be paid back in the same amount of produce, out of concern that if the price increases, the lender benefits through his loan

However בחטין לזרע מותר Because כי קא נחית לבציר מהכי קא נחית When the owner loans him the wheat, the אריס agrees to work for a lesser amount, in that the owner will receive the gain of expensive wheat, and therefore the gain was not רבית.









So let's review ...

The previous Mishnah taught

אין פוסקין על הפירות

One may not prepay for produce for later delivery, because the seller agrees to deliver the same amount of wheat even if the price will have increased by the time of delivery, and the buyer receives this gain for his prepayment, which is הבית.

There are two exceptions, however, when פסיקה is permitted:

1.

יצא השער

מותר

If at the time of payment the market price was already firmly established, one may prepay at the current market price, because,

אף על פי שאין לזה

יש לזה

The מוכר has the ability to use the מוכר money and buy wheat on the open market and provide it to the buyer. OR even if there was no market price

2.

יש לו

מותר

If at the time of payment the seller has the produce in his possession, one may prepay at any price, because as Rashi explains

דמעכשיו הוא קנוי לו

We consider it that the לוקח immediately owns the produce before the price increased.

As the Mishnah elaborates

היה הוא תחילה לקוצרים

פוסק עמו על הגדיש

One may make a פטיקה on grain if the seller already cut his grain, even though the others did not cut their grain and there was no שער;

And

Dedicated By: _

ועל העביט של ענבים

On wine, if the seller had prepared grapes in a vat ready to be pressed;

ועל המעטן של זיתים

On oil, if the seller had prepared olives in a vat ready to be pressed;

ועל הביצים של יוצר

On pottery, if the seller had prepared clay ready to be formed;

ועל הסיד מששקעו בכבשן

On lime, if the seller had prepared wood and stones in a furnace, ready to be burned;

אין פוסקין על הפירות

One may not prepay for produce for later delivery,
because the seller agrees
to deliver the same amount of wheat
even if the price will increase at the time of delivery,
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There are two exceptions



יש לו- מותר

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יצא השער - מותר

If at the time of payment the market price was already firmly established, one may prepay at the current market price, because,

אף על פי שאין לזה יש לזה

The מוכר has the ability to use the לוקח's money and buy wheat on the open market and provide it to the buyer.

היה הוא תחילה לקוצרים פוסק עמו על הגדיש

One may make a פסיקה on grain if the seller already cut his grain, even though others did not cut their grain and there was no שער

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On wine, if the seller had prepared grapes in a vat ready to be pressed

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2

The Gemara cites a Machlokes as to what extent must the product be completed in order to be considered יש לו for which a פסיקה is permitted?

רב says מחוסר שתים פוסק

שלש אינו פוסק If only two tasks ren

If only two tasks remained for the products completion, even if the tasks cannot be done by a person it is considered יש ימ and therefore one may make a פסיקה; but if three or more tasks remained, it is considered אין לו and therefore one may not make a פסיקה.

שמואל disagrees and says

בידי אדם

אפילו מאה פוסק

It does not depend on the number of tasks but rather if the task can be done by a person, then even if one hundred tasks remained it is still considered ש לי because בידו להשלים

The seller has the ability to complete the product.

However

בידי שמים

אפילו אחת אינו פוסק

If the task cannot be done by a person, then even if only one task remained, it is considered אין לי because אין בידו להשלים

The seller does not have the ability to complete the product.

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בידי אדם אפילו מאה פוסק

It does not depend on the number of tasks but rather if the task can be done by a person, then even if one hundred tasks remained it is still considered יש לו Because - בידו להשלים

Because - בידו להשלים the seller has the ability to complete the product.

מחוסר שתים פוסק שלש אינו פוסק

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But if 3 or more tasks remained it is considered אין לו and therefore one may not make a פסיקה.

However

בידי שמים – אפילו אחת אינו פוסק

If the task cannot be done by a person, then even if only one task remained, it is considered אין לו because - אין בידו להשלים

The seller does not have the ability to complete the product.







The Mishnah continues

ופוסק עמו על הזבל כל ימות השנה

The פסיקה says one may make a פסיקה on fertilizer all year long, as the Gemara explains

בין בימות החמה בין בימות הגשמים

During both the summer and winter months, even though the seller does not have any in his possession, because אף על פי שאין לזה

יש לזה

Fertilizer is always available, and the seller had the ability to buy it from others.

רבי יוסי disagrees and says אין פוסקין על הזבל אלא אם כן היתה לו זבל באשפה

One may not make a פסיקה on fertilizer unless the seller actually has some in his garbage pile.

וחכמים מתירים

As the Gemara explains the חכמים hold it depends בימות החמה

פוסקין

During the summer months, one may make a פסיקה on fertilizer, because as Rashi explains

שהכל יש להן זבל

Most people have fertilizer that was processed during the winter, and it is easy to be gotten. However

בימות הגשמים

אין פוסקין

During the winter months one may not make a פסיקה on fertilizer, because most people do not have fertilizer, and it is not easy to be gotten.

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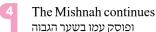
on fertilizer, because most people do not have fertilizer, and it is not easy to be gotten. one may make a on fertilizer

As Rashi explains שהכל יש להן זבל









If one makes a פסיקה now for a later delivery, the buyer must stipulate that if the price decreases at the time of delivery, the sale should be as per the low price. If he did not so stipulate, he must accept the produce for the high price at the time of the פסיקה, and he may not retract from the sale.

רבי יהודה disagrees and says
אע"פ שלא פסק עמו בשער הגבוה
אע"פ שלא פסק עמו בשער הגבוה
יכול לומר תן לי כזה או תן לי את מעותי
Even if the buyer did not so stipulate and the price
decreased, he may tell the seller, give me the produce for
the lower price, or I will retract from the sale, and he is
permitted to do so, because as Rashi explains
שהרי לא משך

The buyer did not make a קנין on the produce, and even though generally one who pays for an item and then retracts is liable for a מי שפרע, however in this situation there is no שפרע because

הואיל ונתן מעותיו ע"מ לקבל לאחר זמן וסתם דעתיה דאיניש אתרעא זולא פסיק

The payment was for a later delivery when the price is subject to change, and the buyers intentions were only for the cheapest price.

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ופוסק עמו בשער הגבוה

If one makes a פּפּיקה now for a later delivery, the buyer must stipulate that if the price decreases at the time of delivery, the sale should be as per the low price.

If he did not so stipulate, he must accept the produce for the high price at the time of the פסיקה, and he may not retract from the sale.

חקי יפודפ

אע"פ שלא פסק עמו בשער הגבוה יכול לומר תן לי כזה או תן לי את מעותי

Even if the buyer did not so stipulate and the price decreased, he may tell the seller, give it to me at the lower price, or I will retract from the sale.

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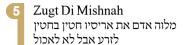
The payment was for a later delivery when the price is subject to change, and the buyers intentions were only for the cheapest price.



Dedicated By: _







A person may lend his sharecroppers wheat to be paid back in wheat, only if the wheat was to be planted; but he may not do so if the wheat was to be consumed, because the אחר בינו prohibited one from lending אחר בעוק, produce to be paid back in the same amount of produce, out of concern that if the price increases, the lender benefits through his loan.

The Gemara cites a Braisa that makes a distinction regarding יחטין לזרע:

בד"א שלא ירד

אבל ירד אסור

He may lend the wheat only before the אריס began to work, but he may not lend the wheat after the אריס began to work.

And the Gemara explains

באתרא דתנא דידן

אריסא יהיב ביזרא

The Mishnah refers to an area where the local custom is that the sharecropper supplies the wheat for planting, and therefore

בין ירד ובין לא ירד

חטין לזרע מותר

Regardless of whether the loan was before or after the אריס began to work, it is permitted because כמה דלא יהיב ביזרא מצי מסליק ליה

The owner could remove the אריס from the field at any time because he did not supply wheat;

וכי קא נחית לבציר מהכי קא נחית

When the owner loans the wheat, it's considered a new agreement that the אריס will work for a lesser amount and the owner will receive the gain of expensive wheat, therefore the gain was not רבית.

ולוה אדם את אריסיו חמין בחמין

מלוה אדם את אריסיו חטין בחטין לזרע אבל לא לאכול

A person may lend his sharecroppers wheat to be paid back in wheat, only if the wheat was to be planted;

but he may not do so if the wheat was to be consumed, because the כבנן prohibited one from lending מאה בסאה, produce to be paid back in the same amount of produce,

> out of concern that if the price increases, the lender benefits through his loan.

> > たから

A distinction regarding 775/16

בד"א שלא ירד – אבל ירד אסור

He may not lend the wheat after the ארים began to work. He may lend the wheat only before the ארים began to work,

באתרא דתנא דידן אריסא יהיב ביזרא

The Mishnah refers to an area where the local custom is that the sharecropper supplies the wheat for planting, and therefore

בין ירד ובין לא ירד – חטין לזרע מותר

Regardless of whether the loan was before or after the ארים began to work, it is permitted because

כמה דלא יהיב ביזרא מצי מסליק ליה

The owner could remove the ארים from the field at any time because he did not supply wheat;

וכי קא נחית לבציר מהכי קא נחית

When the owner loans the wheat, it's considered a new agreement that the ארים will work for a lesser amount and the owner will receive the gain of expensive wheat, therefore the gain was not רבית.



Dedicated By: ___





6 However

באתרא דתנא ברא

מרי ארעא יהיב ביזרא

The Braisa refers to an area where the local custom was that the owner supplies the wheat for planting, and therefore

אי לא ירד דמצי מסליק ליה

מוחר

Only if the loan was before the אריס began to work, and the owner can still remove the אריס from the field do we say

כי קא נחית לבציר מהכי קא נחית

It's a new agreement that the אריס will work for a lesser amount; however

אי ירד דלא מצי מסליק ליה

אסור

If the loan was after the אריס began to work and the owner cannot remove the אריס from the field, this is forbidden, because the אריס cannot be compelled to accept a lesser amount, and therefore the owners gain is only for the loan, which is הבית.

6

באתרא דתנא ברא מרי ארעא יהיב ביזרא

The Braisa refers to an area where the local custom was that the owner supplies the wheat for planting, and therefore

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because the אריס cannot be compelled to accept a lesser amount, and therefore the owners gain is only for the loan, which is רבית.

7

The Mishnah concludes שהיה רבן גמליאל מלוה את אריסיו חטין בחטין לזרע would lend his share croppers wheat for

planting as follows ביוקר והוזלו או בזול והוקרו

נוטל מהן כשער הזול

Regardless of whether the price later decreased or increased, he always accepted the wheat for the cheaper price, because

ולא מפני שהלכה כן

Dedicated By: __

אלא שרצה להחמיר על עצמו

He was more stringent with himself than with others. However, he does agree להלכה that one may accept the wheat even for the more expensive price because כי קא נחית לבציר מהכי קא נחית 7

אקלקנדי

שהיה רבן גמליאל מלוה את אריסיו חטין בחטין לזרע

רבן גמליאל would lend his share croppers wheat for planting as follows

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