

A ב"ד

Intro

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

The Halachah regarding

המוליך חבילה ממקום למקום

A person who borrows cheap merchandise to sell for a high price and uses its money, which he eventually pays to the owner; it depends

ברשות מוכר מותר

If the seller retains all responsibility for the merchandise until it was sold, this is permissible.

However

ברשות לוקח אסור

If the borrower accepts all responsibilities until the sale, this is forbidden.

סאה בסאה דרבנן

The prohibited lending 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. Therefore

וכי יש לו

לא גזרו

In a situation that the borrower has the same produce at the time of the loan, this is permitted, because we consider that the borrower's produce was immediately transferred to the lender's possession.

The Halachah of

החמרין מעלים במקום היוקר כבמקום הזול

ואינן חוששין

The wagon drivers who buy produce in the cheaper areas and sell them in the more expensive areas, they are permitted to borrow money from the rich people in the expensive area on condition that they pay them back with produce at the low price of the cheaper area, and there is no concern for רבית, that the lender receives the benefit of a cheap price in return of the loan.

The Machlokes רב ושמואל regarding

פרדיסא

Whether one may prepay for wine at a cheap price, while the grapes are growing before they are fully ripened.

The Gemara discusses several possible רבית situations and the ways to avoid them;

A

המוליך חבילה
ממקום למקום

סאה בסאה דרבנן

החמרין
מעלים במקום היוקר
כבמקום הזול
ואינן חוששין

פרדיסא

1 So let's review ...

The Gemara cites a Braisa

תנו רבנן המוליך חבילה ממקום למקום

If a person was transporting his merchandise from a place where the price was cheaper to be sold in an area where their price was more expensive; and

מצאו חבירו ואמר לו תנה לי

ואני אעלה לך כדרך שמעלין לך באותו מקום

His friend said, give me your merchandise and I will sell it there for the more expensive price, and in return I will borrow the money and use it until I eventually return to you.

Whether he may do so depends on the following:

ברשות מוכר מותר

If the seller retains all responsibility for the merchandise until it is sold, this is permissible, because as Rashi explains

אין כאן מלוה עד שתמכר

ויוקר של בעלים הראשונים הוא

The loan takes effect only after the item is sold, and the benefit to the owner of the higher price of the sale is not rebited, because at that time it still belonged to him. However ברשות לוקח אסור

If the borrower accepts all responsibilities until the sale, this is forbidden, because

מהשתא הוא מלוה גביה

ויהיב ליה טופיינא מדמיה ברבייתא

The loan takes effect immediately, and the benefit to the owner of the higher price of the sale is rebited, because at that time it belonged to the borrower.

1

ברייתא

תנו רבנן

המוליך חבילה ממקום למקום

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His friend said, give me your merchandise and I will sell it there for the more expensive price, and in return I will borrow the money and use it until I eventually return to you.

ברשות לוקח אסור

If the borrower accepts all responsibilities until the sale, this is forbidden,

because

מהשתא הוא מלוה גביה ויהיב ליה טופיינא מדמיה ברבייתא

The loan takes effect right away, and the benefit to the owner of the higher price of the sale is rebited, because at that time it belonged to the borrower.

ברשות מוכר מותר

If the seller is responsible for the merchandise until it is sold, this is permissible, because

As Rashi explains

אין כאן מלוה עד שתמכר ויוקר של בעלים הראשונים הוא

The loan takes effect only after the item is sold, and the benefit to the owner of the higher price of the sale is not rebited, because at that time it still belonged to him.

2 Similarly,
 המוליך פירות ממקום למקום
 מצאו חבירו ואמר לו תנם לי
 ואני אעלה לך פירות שיש לי באותו מקום
 If a person was transporting his produce from an area
 where they are cheaper to an area where they are more
 expensive, and his friend says, lend me your produce here,
 and I will repay you with my produce there;
 Whether he may do so depends on the following:
 אם יש לו פירות באותו מקום מותר
 ואם לאו אסור
 If the borrower has produce there in the expensive area,
 this is permitted, because,

as Rashi explains

דמהשתא אוקימנהו ברשותיה

This is not considered a loan, because the borrower's
 produce is considered to have immediately transferred to
 the lender's possession.

And even though the lender did not perform a valid קנין;

סאה בסאה אבק רבית דרבנן

וכי יש לו לא גזור

The Issur of not lending produce to be paid in produce is
 merely מדרבנן, and therefore in a situation where the
 borrower has this produce it was not forbidden.

2 המוליך פירות ממקום למקום
 מצאו חבירו ואמר לו תנם לי
 ואני אעלה לך פירות
 שיש לי באותו מקום

*If a person was transporting his produce from an area
 where they are cheaper to where they are more expen-
 sive, and his friend says, lend me your produce here,
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 where the borrower has this produce
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3 However
 אין לו באותו מקום
 אסור
 If the borrower does not have produce there, this is forbidden, because
 דבשכר המתנתו נתן לו זה במקום היוקר
 This was a loan, and the borrower will repay the lender with more expensive produce in return for waiting to get paid.

The Braisa concludes, however,
 והחמרין מעלים במקום היוקר כבמקום הזול
 ואינן חוששין
 The wagon drivers, who buy produce in the cheaper areas and sell them in the more expensive areas, are permitted to borrow money from the rich people in the expensive area on condition that they pay them back with produce at the low price of the cheaper area, and there is no concern for רבית, that the lender receives the benefit of a cheaper price in return of the loan.

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If the borrower does not have produce there, this is forbidden, because
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**והחמרין מעלים במקום היוקר
 כבמקום הזול
 ואינן חוששין**
The wagon drivers, who buy produce in the cheaper areas and sell them in the more expensive areas, are permitted to borrow money from the rich people in the expensive area on condition that they pay them back with produce at the low price of the cheaper area.

4 And the Gemara offers two explanations
 1.
 רב פפא explains
 אינן חוששין
 דניחא להו דמגלו להו תרעא
 As Rashi explains
 ע"י מעותיו של זה ניכרים סוחרים
 ונותנים להם בהקפה ומשתכרים אצלם
 There is no concern for רבית, because the חמרין receive an additional benefit in that through the rich person's money the חמרין become known to those in the זול מקום as experienced merchants and are extended credit. Therefore,
 נוה להם לטרוח לקבל עליהם אחריות הדרך על כך
 The חמרין are willing to transport the cheap produce to the lender in return of this benefit alone, even if there was no duration to the loan.

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5

2.

רב אחא בריה דרב איקא explains

אין חוששין

דניחא להו דמוזלי גבייהו

There is no concern for רבית, because the חמרין receive an additional benefit in that the sellers in the זול מקום sell them the produce at a much cheaper price, because they know that the חמרין will otherwise suffer a loss by providing the lender with produce at the cheaper price. Therefore

נוח להם לטרוח לקבל עליהם אחריות הדרך על כך

As the Gemara explains the distinction between these explanations is in a case of

תגרא חדתא

A first time חמר;

He does get the benefit of

דמגלו להו תרעא

But he does not get the benefit of

דמוזלי גבייהו

Because as Rashi explains

אין מאמינים בדבריו

שהוא נותנם במקומו בזול

The people in the זול מקום do not believe the חמר that he is selling it there at the cheaper price.

5

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שהוא נותנם במקומו בזול

The people in the זול מקום do not believe the חמר that he is selling it there at the cheaper price.

6 The Gemara concludes, however, that this practice is permitted only to the חמרין who deal with תבואה, produce, because as Rashi explains;
מידי דשכיח הוא דאזלי ואתו כל שעתא
This is an ongoing business, and the חמרין travel regularly and deal with the same sellers. Therefore, they are given these benefits.
However, this practice is forbidden to the חמרין who deal with גרוטאות, scrap metal and other miscellaneous merchandise, because
מי שמכר לו עכשיו לא ימכר לו למחר
פרגמטיא שלקח היום אינו לוקח למחר
This is not an ongoing business; they deal with different sellers, and don't buy the same merchandise regularly. Therefore, they are not given these benefits, and the lender gets the produce at a cheaper price in return for the loan.

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This is not an ongoing business; they deal with different sellers, and don't buy the same merchandise regularly. Therefore, they are not given these benefits, and the lender gets the produce at a cheaper price in return for the loan.

7 The Gemara proceeds with a Machlokes regarding פרדיסא
 Whether one may prepay for wine at a cheaper price, while the grapes are growing, before they are fully ripened?
 רב אסר
 רב holds this is forbidden, because כיון דלקמיה שויא טפי מיתחזי כי אגר נטר ליה
 When the buyer receives the wine it will be more expensive, and he receives this benefit for his prepayment, which is similar to the רבית paid for a loan.
 ושמואל שרי
 ושמואל holds this is permitted, because כיון דהוי ביה תיוהא לא מיתחזי כי אגר נטר ליה
 The buyer also risks a possible loss if the grapes or wine becomes spoiled, and since there was no certain benefit it does not appear like רבית for his prepayment.


רב שימי בר חייא adds
 ומודי רב בתורי דנפיש פסידיהו
 רב agrees that it's מותר in areas where grapes are harvested with oxen, because the possibility of a loss is greater as the oxen trample upon the grapes.

=====

7

פרדיסא
Whether one may prepay for wine at a cheaper price, while the grapes are growing, before they are fully ripened?

<p>רב אסר</p> <p>שרי</p> <p>כיון דהוי ביה תיוהא לא מיתחזי כי אגר נטר ליה</p> <p><i>The buyer also risks a possible loss if the grapes or wine becomes spoiled, and since there was no certain benefit it does not appear like רבית for his prepayment.</i></p>	<p>רב אסר</p> <p>כיון דלקמיה שויא טפי מיתחזי כי אגר נטר ליה</p> <p><i>When the buyer receives the wine it will be more expensive, and he receives this benefit for his prepayment, which is similar to the רבית paid for a loan.</i></p>
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8 The Gemara proceeds with several possible רבית situations, and the ways to avoid them:
 1.
 Regarding הנהו דשבשי שבשא
 As Rashi explains בעלי בתים המלוים תבואה לאריסים לזרע ומשלמין להן לגורן תבואה חדשה
 The field owners would lend the sharecroppers grain for planting, and in return they were paid back with grain from the new harvest. This practice is forbidden, because it is כסא בסא; the new produce might be worth more than the old produce, and the lender receives this benefit for the loan.

Therefore, שמואל instructed them as follows:
 הפוכו בארעא
 כי היכי דקני לכו גופא דארעא
 The owners should assist the אריסין in their work, through which they would acquire an additional part of the land, which will justify the additional benefits.

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Several possible רבית situations, and the ways to avoid them

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The owners should assist the אריסין in their work, through which they would acquire an additional part of the land, which will justify the additional benefits.



9

2.

Regarding

הנהו דמנטרי באגי

Those who guard the fields until the crops are cut; as Rashi explains

בשביל שממתינים שכרם עד גמר מירוח
הם נותנים לכם מתנה יותר על שכרם

The guards were not paid until after the processing of the grain was complete, and in return they were given a bonus. This practice would be forbidden because the guards receive a benefit for waiting for their wages.

Therefore, רבא instructed them as follows

פוקו הפוכו בבי דרי

כי היכי דלא תשתלם שכירות דידכו עד ההיא שעתא

The guards should assist the owners in the processing, and since

שכירות אינה משתלמת אלא בסוף

Wages are not due until after the job is complete, this is not waiting for their wages; and

וההיא שעתא אוזולי דקא מוזלי גבייכו

The extra bonus is merely an increase in the wages.

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The extra bonus is merely an increase in the wages.

10 3.
Regarding
דיהבי זוזי אחמרא בתשרי
ומבחרו לה בטבת
The רבנן who prepay wine in תשרי and later choose
superior wine in טבת;
טבת רבא assumed that this practice is forbidden,
because
אי הוו שקלי מתשרי
דלמא הוי מחמיץ
ואשתכח דמשום דאקדימו מעות
קיבל המוכר אחריות
Had they received their wine at the time of the sale, the
wine might have soured; therefore, the benefit of the seller
taking responsibility and guaranteeing them superior
wine was in return of the prepayment, which is similar to
the רבית paid for a loan.

justified it and explained that this practice is
permitted because
מעיקרא דחמרא חמרא
דחלא חלא
The wine that later spoils was inferior at the time of the
sale, and as Rashi explains
ויין המקולקל לא לקח הימנו
Since they did not agree to buy inferior wine,
ההיא שעתא הוא דקמבחרו
The superior wine that they choose in טבת is the wine that
they bought in תשרי.

10 3

**דיהבי זוזי אחמרא בתשרי
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רב אש
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