

A ס"ד

Intro

Today we will Be"H learn ע"א of מציעא בבא. Some of the topics we will learn about include:

כל המלוה ברבית נכסיו מתמוטטין
One who does lend with interest will lose his possessions.

עבד עברי
Whether a Jewish slave can be owned by אשה, a woman, or גר צדק, a convert, and whether a convert can be sold as a Jewish slave.

גר תושב
Whether a non-Jew who resides in Eretz Yisroel and observes the שבע מצוות בני נח, the seven Noahide Laws, may be charged interest;

עכו"ם
Laws of interest pertaining to loans involving non-Jews, including:

B ערב

Serving as his guarantor;
מלוה על מעותיו
Extending his loan to another Jew;

אין שליחות לנכרי
A non-Jew cannot act as an agent for a Jew, nor can a Jew act as an agent for a non-Jew.

זכיה לקטן ונכרי
A minor cannot act as an agent, yet he can acquire on another's behalf to his benefit. The Gemara discusses whether a non-Jew can acquire in this manner on behalf of a Jew.

A

כל המלוה ברבית
נכסיו מתמוטטין

עבד עברי

גר תושב

עכו"ם

B

ערב

מלוה על מעותיו

אין שליחות לנכרי

זכיה לקטן ונכרי

1 So let's review...

The Gemara cites a ברייתא which describes the evils of charging interest:

אמר רבי יוסי

בא וראה סמיות עיניהם של מלוי ברבית

Come and see the indifference of those who lend with interest!

Ordinarily,

אדם קורא לחבירו רשע

יורד עמו לחייו

If someone refers to another as a רשע, that person will avenge himself at all costs; yet

הם מביאין עדים ולבלר וקלמוס ודיו

וכותבין וחותמין

פלוני זה כפר באלקי ישראל

This person brings a scribe and witnesses and signs a document lending money with interest, effectively allowing them to affirm that he has denied the authority of Hashem.

The Gemara cites another ברייתא which describes the consequences of lending with interest:

The Pasuk in Tehillim states

כספו לא נתן בנשך ושוחד על נקי לא לקח

עושה אלה לא ימוט לעולם

And the ברייתא explains the Pasuk as follows:

כל מי שיש לו מעות

ומלוה אותם שלא ברבית

If one lends money without interest, he shall not falter, i.e. he will retain his assets; and

הללו מתמוטטין ועולין

Even if they do falter, they will recover.

The Pasuk implies, however, that

כל המלוה ברבית

נכסיו מתמוטטין

One who does lend with interest will lose his possessions, and

הללו מתמוטטין ואינן עולין

When they falter, they will not recover.

=====

1

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This person brings a scribe and witnesses and signs a document lending money with interest, effectively allowing them to affirm that he has denied the authority of Hashem

כספו לא נתן בנשך

ושוחד על נקי לא לקח

עושה אלה

לא ימוט לעולם

כל המלוה ברבית נכסיו מתמוטטין

One who does lend with interest will lose his possessions, and

הללו מתמוטטין

ואינן עולין

When they falter, they will not recover.

כל מי שיש לו מעות ומלוה אותם שלא

ברבית

If one lends money without interest, he shall not falter, and

הללו מתמוטטין ועולין

Even if they do falter, they will recover

2 The previous Mishnah on ע' דף continues
 וכן בגר תושב
 Regarding the laws of interest, a non-Jew who resides in Eretz Yisroel and observes the שבע מצוות בני נח, the seven Noahide Laws, has the same Halachah as all non-Jews, in that
 לויז מהן ומלוין אותן ברבית
 One may borrow from them, or lend them, with interest.

However, the Gemara cites a ברייתא:

רבי אומר
 גר תושב האמור לענין רבית
 אינו יודע מה הוא

Rebbe challenged this ruling from the following Pasuk:

וכי ימוך אחיך ומטה ידו עמך והחזקת בו
 גר ותושב וחי עמך
 אל תקח מאתו נשך ותרבית ויראת מאלקיך

It seems that it is forbidden to take interest from a תושב גר?

The Gemara answers

מי כתיב אל תקח מאתם
 מאתו כתיב
 מישראל

The Pasuk uses the singular expression, limiting the prohibition of lending with interest to a גר צדק, a full-fledged convert. And the reference to a תושב גר, Rashi explains, is only

לענין וחי עמך
 שאתה מצווה להחיותו

We have an obligation to help him with his needs.

=====

2 מלך
וכן בגר תושב
 Regarding the laws of interest,
 a non-Jew who resides in Eretz Yisroel
 and observes the שבע מצוות בני נח,
 has the same Halachah as all non-Jews, in that
לויז מהן ומלוין אותן ברבית
 One may borrow from them, or lend them,
 with interest.

?

רבי אומר

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We have an obligation
 to help him with his needs.

3 The Braisa of Rebbe also discusses a similar contradiction regarding an עבד עברי being sold to a גר צדק, a full-fledged convert:
 The Pasuk says
 'וכי תשיג יד גר ותושב עמך גו
 ונמכר לגר ותושב עמך
 Teaching us
 גר קני עבד עברי
 A convert can acquire a Jewish slave.

However, another ברייתא says that
 גר לא קני עבד עברי

The Braisa first states;
 אין הגר נקנה בעבד עברי
 A convert cannot become a Jewish slave, as the Pasuk says
 ושב אל משפחתו
 Upon completing his term he returns to his family, and a convert does not have any blood relatives;
 ואין אשה וגר קונין עבד עברי
 Women cannot acquire Jewish slaves, because
 לאו אורח ארעא
 It is not proper, because they will be secluded together;
 And
 גר לא קני עבד עברי
 Converts cannot acquire Jewish slaves, because
 גמירי
 דמקני קני
 דלא מקני לא קני
 We have a tradition that one who cannot be acquired as a slave cannot himself acquire a slave?

4 The Gemara answers
 אינו קונה ודינו כישראל
 אבל קונה ודינו כנכרי
 He cannot acquire an עבד עברי as a Jewish slave-owner, but he can acquire an עבד עברי in the manner of a non-Jewish slave-owner. And the Gemara cites a ברייתא that explains the difference:
 הנרצע והנמכר לנכרי
 אינו עובד לא את הבן ולא את הבת
 A slave whose ear was bored, and a slave owned by a non-Jew, go free upon their master's death, and do not serve his heirs.
 However, an עבד עברי owned by a ישראל does serve his heirs.
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The Gemara discusses other Halachos pertaining to loans involving non-Jews:
 The Pasuk states
 אל תקח מאתו נשך ותרבית
 You may not take interest, and the Gemara infers
 אבל אתה נעשה לו ערב
 You may serve as a guarantor for a loan that involves interest.

3 *אז צדק being sold to a גר צדק*
 ברייתא One
 וכי תשיג יד גר ותושב עמך...
 גר קני עבד עברי
 ברייתא Another
 גר לא קני עבד עברי
 אין הגר נקנה בעבד עברי
 ושב אל משפחתו
and a convert does not have any blood relatives.
 ואין אשה וגר קונין עבד עברי
 לאו אורח ארעא
 אימי דמקני קני דלא מקני לא קני
 One who cannot be acquired as a slave cannot himself acquire a slave.
 לאו אורח ארעא
 It is not proper because they will be secluded together.

4 **אינו קונה ודינו כישראל
 אבל קונה ודינו כנכרי**
He cannot acquire an עבד עברי as a Jewish slave-owner, but he can acquire an עבד עברי in the manner of a non-Jewish slave-owner.
 A ברייתא that explains the difference:
**הנרצע והנמכר לנכרי
 אינו עובד
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 A slave whose ear was bored, and a slave owned by a non-Jew, go free upon their master's death, and do not serve his heirs.
 However, an עבד עברי owned by a ישראל does serve his heirs.
 Other Halachos pertaining to loans involving non-Jews:
אל תקח מאתו נשך ותרבית
You may not take interest, and the Gemara infers
 אבל אתה נעשה לו ערב
 You may serve as a guarantor for a loan that involves interest.

5 Now, the ברייתא cannot refer to ערב לישראל
 A guarantor for a Jew's loan, because another ברייתא states אלו עוברין בלא תעשה המלוה והלוה הערב והעדים
 The lender, the borrower, the guarantor, and the witnesses to the loan all transgress the prohibition against loaning with interest?
 Rather, ערב לנכרי
 The ברייתא permits serving as a guarantor to a non-Jew who is lending money to a Jew.

However, the Gemara asks דיניה דנכרי דאזיל בתר ערבא
 Under secular law, the lender claims his debt directly from the guarantor, and later the Jewish borrower will have to reimburse his Jewish guarantor the amount of the loan with the interest?

The Gemara answers; שקיבל עליו לדון בדיני ישראל
 The Braisa refers to a case where the non-Jew accepted this aspect of Jewish law, and will claim his debt from the borrower first.
 =====

5 *The ברייתא cannot refer to ערב לישראל*
A guarantor for a Jew's loan because another ברייתא states אלו עוברין בלא תעשה המלוה – והלוה – הערב – והעדים
The lender, the borrower, the guarantor, and the witnesses all transgress the prohibition against loaning with interest?

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דיניה דנכרי דאזיל בתר ערבא

Under secular law, the lender claims his debt directly from the guarantor, and later the Jewish borrower will have to reimburse his Jewish guarantor the amount of the loan with the interest?

שקיבל עליו לדון בדיני ישראל

The Braisa refers to a case where the non-Jew accepted this aspect of Jewish law, and will claim his debt from the borrower first.



6

The Mishnah concludes

מלוה ישראל מעותיו של עכו"ם

מדעת עכו"ם

אבל לא מדעת ישראל

A Jew may lend a non-Jew's money to another Jew with the non-Jew's consent, but not with the Jew's consent;

and the ברייתא explains:

ישראל שלוה מעות מן הנכרי ברבית

וביקש להחזירם לו

If a Jew borrowed money with interest from a non-Jew

and is now ready to return it, and

מצאו ישראל אחר ואמר לו תנם לי

ואני אעלה לך כדרך שאתה מעלה לו

אסור

He may not lend the money to another Jew under the same terms with interest, because the loan is between the two Jews. The second borrower owes the principal and interest to the first borrower, both Jews.

However,

ואם העמידו אצל נכרי מותר

If he presents him to the non-Jew and gains his approval,

it is permitted, because the first Jew is simply acting as an

agent for the non-Jewish lender, and the loan is between

the non-Jew and the Jew. The second borrower, a Jew,

now owes the principal and interest to the original lender,

a non-Jew.

6

משנה

מלוה ישראל מעותיו של עכו"ם

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If a Jew borrowed money with interest from a non-Jew and is now ready to return it, and

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He may not lend the money to another Jew under the same terms with interest, because the loan is between the two Jews.

The second borrower owes the principal and interest to the first borrower, both Jews.

However,

ואם העמידו אצל נכרי מותר

If he presents him to the non-Jew and gains his approval, it is permitted,

because the first Jew

is simply acting as an agent for the non-Jewish lender, and the loan is between the non-Jew and the Jew.

The second borrower, a Jew, now owes the principal and interest to the original lender, a non-Jew.



7 Similarly, but in the reverse;
נכרי שלוח מעות מישראל ברבייה
ובקש להחזירם לו
If a non-Jew borrowed money from a Jew with interest
and is now ready to return it;
מצאו ישראל אחר ואמר לו תנם לי
ואני אעלה לך כדרך שאתה מעלה לו
מותר
He may lend the money to another Jew under the same
terms, because the loan is between the non-Jew and the
Jew. The second borrower, a Jew, owes the principal and
interest to the first borrower, a non-Jew, who is now the
lender, and the Jew may pay him interest.
However,
ואם העמידו אצל ישראל אסור
If he presents him to the Jew and gains his consent, it is
forbidden, because the non-Jew is acting as an agent for
the Jewish lender, and the loan is between two Jews. The
second borrower, a Jew, now owes the principal and
interest to the original lender, also a Jew, which is
forbidden.

7

**נכרי שלוח מעות מישראל ברבייה
ובקש להחזירם לו**
*If a non-Jew borrowed money from a Jew with interest
and is now ready to return it;*
**מצאו ישראל אחר ואמר לו תנם לי
ואני אעלה לך כדרך שאתה מעלה לו
מותר**
*He may lend it to another Jew under the same terms,
because the loan is between the non-Jew and the Jew.*
*The second borrower, a Jew, owes the principal and
interest to the first borrower, a non-Jew,
who is now the lender,
and the Jew may pay him interest.*

However,
ואם העמידו אצל ישראל אסור
*If he presents him to the Jew and gains his consent,
it is forbidden,
because the non-Jew is an agent for the Jewish lender,
and the loan is between two Jews.*
*The second borrower, a Jew,
now owes the principal and interest
to the original lender, also a Jew, which is forbidden.*

8 However, the Gemara questions the above-mentioned concept of שליחות, of one being an agent for another person, because שליחות is derived from תרומה, where the Pasuk states

כן תרימו גם אתם
גם לרבות שלוחכם

Your agent can also separate your Terumah. However, מה אתם בני ברית
אף שלוחכם נמי בני ברית

A non-Jew cannot serve as an agent for a Jew to separate his תרומה.

Furthermore,

כל התורה כולה מתרומה גמרינן לה

This Halachah is applied to all other areas of Torah law, and a non-Jew can never serve as an agent for a Jew.

Additionally,

אנן לדידהו נמי לא הוי שליח

A Jew cannot act as an agent for a non-Jew either.

Thus, the principle

אין שליחות לנכרי

A non-Jew cannot act as an agent for a Jew, nor can a Jew act as an agent for a non-Jew.

Therefore,

סיפא לחומרא

In the latter case, the ברייתא may rule stringently and not allow the non-Jewish borrower to lend the Jewish lender's money, with his consent, to the second Jewish borrower, as if he is acting as his agent. However,

רישא

איהו ניהו דקא שקיל מיניה ריביתא

In the first case, the non-Jewish lender's consent should not permit the loan, because the first Jew cannot act as his agent, and so it remains a loan from the first Jewish borrower to the second Jewish borrower?

8 However, the Gemara questions their concept of שליחות, of one being an agent for another person, because שליחות is derived from תרומה, where the Pasuk states

כן תרימו גם אתם

אף לרבות שלוחכם
Your agent can also separate your Terumah
A non-Jew cannot serve as an agent for a Jew to separate his תרומה.

כל התורה כולה מתרומה גמרינן לה
This Halachah is applied to all other areas of Torah law, and a non-Jew can never serve as an agent for a Jew.

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9 The Gemara answers
כגון שנטל ונתן מיד
The non-Jewish lender first took the money from the first Jewish borrower and his loan is now considered repaid. The non-Jewish lender then gave it to the second Jew. Therefore, he is borrowing directly from the non-Jew, and he may pay interest.

Although, this seems obvious;
The Gemara explains that we might have thought
נכרי גופיה כי עביד
אדעתא דישראל קא גמיר ויהיב
Since the non-Jewish lender is giving the money based on the first Jewish borrower's say-so, he did not accept the money as repayment. Rather he just transferred the money from the first to the second Jewish borrower, and it's considered a loan between the two Jews, and forbidden.
Therefore, the תורה teaches us that it's not so. Rather as explained earlier, the first loan is considered repaid and this is a new loan from the non-Jewish lender to the second Jewish borrower, and permitted.

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