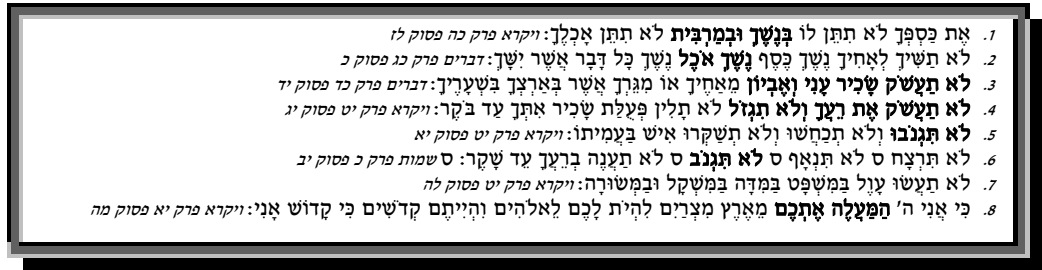


## פרק חגישי- איזהו נשך Introduction to

The 5<sup>th</sup> chapter (or 15<sup>th</sup> of זויקין) takes us in a new direction, related to the previous discussion of אונאה. The תורה bans taking איסורים (forms of usury) from a fellow ישראל; this chapter is devoted to exploring the parameters of those

### 21.5.1

(אף על גב דלא נפיש אגרייהו טפי, מאיסי למכליניהו) 60b → (משנה א) 60b



- I 'א: Definitions of נשך in contrast to רבית משנה א'
  - a נשך: lending 4 for 5
  - b רבית: increasing פירות – e.g. if he lent wheat and the value went up and instead of returning the same amount of wheat in order to buy wine and the borrower credited him with the greater amount for wine – which he doesn't have
    - i Observation: נשך picked example of רבית מד"ס (it is a "straight-up" loan) → רבית: רבית
      - 1 Question: cannot identify case of רבית without נשך as well as נשך without רבית
    - ii answer (רבא): they are the same, the תורה enacted both to generate לאוין 2
      - 1 Support (ברייתא): v. 1 associates נשך with money and רבית with food; נשך אוכל from v. 2
        - (a) source: רבית בכסף – from נשך כסף, which is extra (from earlier in v. 2) → רבית כסף
        - (b) Source: for prohibitions extending to lender - common word נשך (vv. 1-2) expands all forms (food, money) and both prohibitions (נשך, רבית) to borrower as well as lender
    - iii Comment (רבא): since v. 1 is parsed such that it could be read as applying ומרבית נשך both to money as well as food, no need for v. 2 to expand –needed to expand כל דבר אשר ישך (things besides food and money) to lender
- II רבא: justification for לאוין of אונאה, רבית, and גזלה
  - a Prima facie: no single one would have taught the other 2
    - i רבית is a חידוש, as the borrower also violates
    - ii גזל isn't a model for the others, as it happens against the will of the victim
    - iii אונאה isn't a model, since the victim doesn't know to forgive the difference
  - b However: 2 might have taught a third (only possibility – אונאה and רבית → גזלה)
    - i Argument: each's uniqueness is offset by the other; common feature – victim has been hurt financially → גזלה
      - 1 Therefore: why is there a גזלה?
      - 2 Answer: to extend it to case of delaying payment of wages
        - (a) Challenge: that is already banned by v. 3
        - (b) Answer: generates לאוין 2 – (not רבית ואונאה - it is למד מענינו as per v. 4)
    - ii Associated question: why is v. 5 needed – רבית איסור גנבה could also be inferred from אונאה
      - 1 Answer: to include a case where it's being done just to harass the victim or in order to pay כפל
    - iii Associated question: why is there a need for the prohibition of משקלות (v. 7)?
      - 1 Answer: for a case where he uses salt to alter weights
        - (a) Challenge: that is straight-up גזלה
        - (b) Answer: generates violation from moment of making the (false) משקלות
      - 2 Associated דרשה refers to land measure; משקל – not to alter weights; משורה – not to boil when measuring wine (makes it look bigger than it is)
        - (a) Observation: this is only 1/36 of a לוג, לוי, ק"י to a greater alteration of measures
      - 3 ציצית and משקלות, רבית, written in re: יצי"מ homily: רבא
        - (a) Lesson: 'ה', who could recognize a בכור, will identify (and punish) anyone who uses trickery to lend money on interest, alters his weights and who uses fake dye and calls it תכלת.
      - 4 מצרים v. 8 in re: שרצים → avoiding שרצים ('tho already disgusting) justifies 'ה taking us up out of