Introduction to פרק רביעי- הזהב

The 4th chapter (or 14th of נזיקין) takes us in a very different direction – dealing with commerce and business ethics based on the prohibition of אונאת דברים. An interpersonal ethic, אונאת דברים, with several applications, is dealt with at the end of the

21.4.1

$44a~(משנה~א) \rightarrow 45a~(משנה~א)$

Note: "מי שרפע" imprecation, equating someone who doesn't keep his word and conclude an agreed-upon transaction to the wicked people of the דור המבול, invoking Divine punishment

- I משנה אי: status of קנין once מירות have been taken by buyer, he may not renege and is liable for money
 - a Gold is "פירות" relative to silver (coin)
 - i Note: בין, when young, taught opposite, (זה is important); changed mind, (כבי is commercially more common)
 - ii Comment (ר' אשי): earlier position makes sense, else why have to teach next clause (of copper being פירות to silver)?
 - Block: 'tho copper is more commercial, since there are some places that don't take copper, it is כסף to נסף
 - iii More support for counter position, that gold is the "coin":
 - 1 רב :*ד' חייא* borrowed gold from רב :*ד' חייא*'s daughter, and the value of gold went up;
 - (a) Ruling: pay her back the same amount of gold coins
 - (i) Implication: gold → מטבע; if it was considered goods, it would be a (דרבנן) violation of סאה בסאה) רבית
 - (ii) Block: רב had his own coins, it was considered as "let me borrow until X happens", which is not covered by סאה בסאה ban on סאה בסאה
 - 2 ברייתא דבא which identifies relative monetary values supports notion that gold is מטבע
 - (a) איסר איטלקי 1/8 for purposes of קידושין (see איסר איטלקי)
 - (b) דינר 1/24 of silver דינר. for purposes of commerce
 - (c) Silver כהן, דינר for purposes of פריון הבן (if father gives a gold הינר בדינר בהן זינר returns 5 silver רינרים)
 - (i) Implication: א is considered to have stable value, else why measure עסף by that standard? QED
 - iv Related discussion: מינושלים re: exchanging מע"ש for gold coins outside of ירושלים (ease of transport)
 - 1 may not exchange –gold is פירות relative to silver (as per our משנה) and we can't מירות) מחלל coins on פירות
 - 2 we may exchange silver is פירות relative to gold (as per ב"ה we may exchange silver is מירות
 - (a) Extent of dispute ר"ל vs. ר"ל vs. ר"ל
 - (i) 1 said dispute is only gold<->silver; but מירות may be exchanged for either, which is "coin"
 - (ii) Other dispute extends to redeeming פירות on gold coins (פירות->פירא– לב"ש; we don't swap פירות; we don't swap מירות for gold?
 - 2. Answer: if that was the term of the dispute, סמ"ל agrees with ב"מ agrees with ב"ש re: silver <->gold קמ"ל
 - (iii) Suggestion: פירות holds the position that the dispute extends to פירות for gold
 - 1. Proof: ר"י gold may not be borrowed for repayment in gold (רבית) since value may fluctuate
 - a. *Note*: this must be according to ב"ש (since, to ב"ה, gold is "coin" even relative to silver)
 - b. Rejection: in re: loans, we use same standard as commerce (as per our משנה) gold is פירא
 - i. But: in re: פרות מעשר שני, either can be used as vehicle for redemption of פירות מעשר שני
 - ii. Support: ר"י explicitly distinguishes, banning loans but allowing פדיון מע"ש on gold
 - (iv) Challenge (to ל"ס): מע"ש ב-m dispute ה"ש how much of the silver coins may be switched for נחשת
 - 1. מש"ב may change entire silver coin for copper
 - 2. מ"ב" only ½ may be changed
 - a. Explanation: according to "z, if gold cannot be used, how can copper be used?
 - b. Defense: where copper is accepted, it is widely circulated in commerce not פירא
 - i. Yet: gold may still be פירא, even in relationship to פירות
 - b Copper is "פירות" relative to silver (coin)
 - c Inferior coin is "פירות" relative to good coins
 - d Slug is פירות relative to any coin
 - e פירות are פירות relative to coins
 - f All קונה are קונה each other (explanation below)
- II משנה ב' examples of rule in משנה:
 - a If: the buyer took the משיכה) and didn't yet pay he may not renege (and must pay)
 - b But if: the seller took the money but didn't yet deliver the פירות he may renege
 - i However: מי שפרע מאנשי דור המבול ןמדור הפלגה הוא עתיד להפרע ממי שאינו עומד בדבורו (see note)