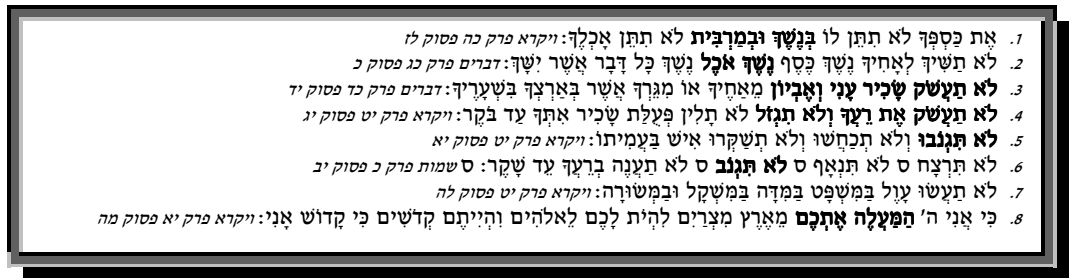


פרק חגישי- איזהו נשך Introduction to

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

21.5.1

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



I רבית: Definitions of נשך in contrast to

- 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: משנה picked example of רבית מד"ס (it is a "straight-up" loan) → נשך: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 2 לאוין
 - 1 Support (ברייתא): v. 1 associates נשך with money and רבית with food; נשך אוכל from v. 2
 - (a) source: כסף בכסף – from רבית בכסף, which is extra (from earlier in v. 2) → רבית כסף for
 - (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 (רבינא): since v. 1 is parsed such that it could be read as applying נשך ומרבית 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 גזלה and רבית, אונאה לאוין justification for רבא:

- a Prima facie: no single one would have taught the other 2
 - i דבית 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 – רבית and אונאה → 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 דגולה?
 - 2 Answer: to extend it to case of delaying payment of wages
 - (a) Challenge: that is already banned by v. 3
 - (b) Answer: generates 2 לאוין – (not רבית ואונאה - it is למד מענינו as per v. 4)
 - ii Associated question: why is v. 5 needed – רבית ואונאה could also be inferred from גזלה
 - 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 לוג ק"ו, לוג to a greater alteration of measures
 - 3 ציצית and משקלות, רבית: מ ציצית's homily: written in re: –
 - (a) Lesson: ה', who could recognize 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 תכלה.
 - 4 מצינים v. 8 in re: שרצים → avoiding שרצים ("tho already disgusting) justifies ה' taking us up out of