

21.5.3

62b → 63b (כיצד) → 63b (זוזי דאינשי אינהו עבדי ליה ספסירותיה) → 63b (כיצד)

I Analysis of example of "מרבח בפירות" – רבית דרבנן

- a Q: even if the borrower doesn't have wine, why should that matter?
i Support: ruling that as soon as the market value is set for a crop, futures may be bought
- b Answer (רבא): when he is using the fruit to generate a financial debt (בא לחוב בדמיהן)
i Support: if a creditor comes to the גורן to collect his money (in order to buy wheat) and the debtor tells him that he has wheat and the creditor can go buy for the next 12 months based on today's שער – אסור
1 Reason: it isn't similar to having the money come into his hands
ii Challenge (אבוי): if that is the formulation, even if borrower has wine, should be אסור (creditor didn't get it)
- c Answer (אבוי): prohibited as הערמת רבית, as per example of ר' ספרא:
i Borrower: buys wheat from lender at X and sells it back at X-n (n constitutes רבית הערמת רבית)
ii Parallel: in our case, borrower "buys" wheat at 30 and sells it back at 25 (דינר זהב 1)
1 Therefore: if the לויה has wine to sell for 30 – fine, as the מלווה is getting פירות; if not – הערמת רבית
- d Challenge (רבא): language of משנה militates against this explanation (should be דמי חיטי etc)
i Answer (אבוי): variant reading of משנה bears that out
- e Challenge (רבא): but the value had been set at 25, not 30! Rather:
- f Answer (רבא, per אושעיא ר'א): if A owed B 100, and they met at C's granary
i And: A demanded his money from B, as he wanted to buy grain from C
1 And: B told A that he had grain that he would sell him per the current market price
2 But: when it came time to pick up the wheat, A demanded his wheat as he wished to sell it for wine
3 Then: B told him that he had wine and requested it be fixed per the current market price
4 But: when it came time to pick up the wine, the same happened and A wanted oil and B offered it
5 Ruling (אושעיא ר'א): in all cases, if B actually had that product at the time, permitted; if not – אסור
(a) And: "לקח" should be understood as "took as a loan"
ii רבא inferred 3 principles from ר'א's ruling
1 We may: set a loan on fruit - and we're not concerned about איסורו הבא לידו
2 We require: that he own the product at the time that he transfers the loan to it
3 We accept: ר'א's ruling (contra רב):
(a) מימרא רב allows אמנה (futures buying) of fruit, but not currency (looks like רבית)
(i) ר'א: no distinction between the fruit or their valued currency
(b) Challenge (רבא): ר'א's ruling that as long as the לויה has the fruit, the transfer is permitted
(i) Defense: this only holds if the מלווה took possession of the wheat/wine/oil
(ii) Challenge: if he took possession, isn't it obvious that it is valid?
1. Rather: must be a case where the לויה designated a spot for the product
- g Answer (שמואל): this ruling follows יהודה ר'א – that "one-sided" רבית is permitted
i Case: A owes B money and the lender "buys" field rent-free;
1 If: if seller eats פירות – permitted; if buyer, רבנן forbid and יהודה ר'א allows
(a) Note: יהודה ר'א cited case where buyer ate פירות – רבנן responded that in that case, seller was eating פירות
(i) Dispute (אבוי): whether אחד ברבית (i.e. it may not play out to be רבית) is מותר
(ii) רבא: all agree that אסור ברבית אסור; dispute is ע"מ להחזיר רבית
- h רבא: once we accept ר'א equation of the fruit with their value in currency
i Then: we can also reverse it and allow currency to be exchanged for fruit
ii Therefore: we may set a price per the current market value even if the מוכר doesn't have the product as of now
iii Challenge (רבא's students): אושעיא ר'א's ruling above – only valid if he has the fruit at the time
1 Defense (רבא): that is in the case of a loan (רבית concerns); he's only applying to a futures sale
- i Alternatively (רבא ור' יוסף): reason we allow purchasing in futures per current value
i Reason: buyer gets no gain, as if he had money, he'd buy cheaper in villages
ii Challenge (אבוי לר' יוסף): if so, we should be able to lend בסאה – as they would've appreciated anyways
1 Answer (ר' יוסף): that is a loan, therefore we don't allow (חשש רבית)
- j Challenge (רבא by ר'א): he still gains, as otherwise he'd have to pay a middle-man
i Answer 1 (רבא): he gives it in either case – no gain
ii Answer 2 (ר'א): the buyer's money is his "middle-man" and attracts the seller