

21.5.4

63b (קרוב לזה ולזה הוא) → 64b (רבה ורב יוסף דאמרי תרוייהו)

I Various rulings re: רבית

- a דבא ור' יוסף if someone buys at a "sharp market" (i.e. early in the season at a reduced price)
  - i Only if: he must appear at the granary during threshing
    - 1 Question: what is the purpose of his appearance?
      - (a) If: to make a קנין משיכה
      - (i) Block: standing there isn't a קנין
      - (b) If: to hold seller to מי שפרע
      - (i) Block: even if he isn't standing there, seller is under the ban of מי שפרע
      - (c) Answer: it is a case where he bought from a few farmers
        - (i) If: he comes to this granary, it solidifies his commitment to buy and seller is under מי שפרע
        - (ii) But if: he doesn't appear, seller reasons that he has found better produce elsewhere – no מי שפרע
      - (d) מי שפרע: once we determine that מי שפרע is dependent on the seller's understanding
        - (i) Then: even if the buyer found him in the שוק and confirmed the purchase – still under מי שפרע
- b ד' נחמן rule of רבית is אגר נטר – i.e. when he is "paid" for letting the לווה hold on to the money for longer
- c ד' נחמן if he buys wax as a future at 4 hives per סלע, then waxmaker agrees to give him 5 for immediate payment
  - i If: the waxmaker has the hives at that moment – permitted; else – prohibited
  - ii Challenge: this is obvious (see p. 59)
    - 1 Defense: case is where waxmaker has credit in town to buy raw wax hives
    - 2 We might have considered: this akin to "lend me money until I find the key" etc. (not considered הלואה)
    - 3 Answer: since it cannot be collected at this point, his deal with the buyer considered a loan (if he doesn't have the wax hives at the time)
- d ד' נחמן if A borrows coins from B and find there to be a surplus (more than explicated)
  - i If: it is a reasonable mistake (e.g. he counted in 5s or 10s and there's an extra 5 or 10) – must return
  - ii If: not a reasonable difference, the lender must have intended that surplus as a gift
  - iii Question (posed to ר' אשי): if the lender is a "tough guy" who doesn't give gifts?
    - 1 Answer: perhaps he had stolen from the borrower and is now "discreetly returning" the theft
      - (a) Per: ברייתא that if a גזילתן discreetly returns גזילה, he is יוצא
    - 2 Question: what if the lender is from out of town (no likely interaction with borrower earlier)
      - (a) Answer: perhaps he was told by a townsman that when he lends money to A, he should sneak in the value of the contrite thief's theft
- e ד' כהנא recounts story from בית מדרש רב when he heard them mentioning squash "קרי קרי"
  - i Context: if someone buys futures of squash at a set price for small squash
    - 1 And: the farmer agrees to sell him larger ones if he pays immediately
    - 2 If: the squash are already in existence, this is permitted; if not, אסור
      - (a) Challenge: this is obvious
      - (b) Answer: we might have thought that since the squash will grow on their own – as if they're here
      - (c) Per ברייתא: if someone was going to milk his goats, shear his sheep or collect from his honeycomb
        - (i) And: he made a deal for what he will milk, shear or collect without stating a measure of product
          - 1. Then: it is permissible
          - 2. But if: he committed to an amount of the product (e.g. 2 litres of milk) – אסור
            - a. Implication: even though they will inevitably grow, since they're not there now – אסור
  - ii Some: read רבא as ruling that the squash were permitted even if not currently there, since they grow on their own
    - 1 And: he distinguished between that and the ברייתא above – insofar as the squash themselves grow and that is their whole existence; the milk, wool and honey are byproducts and when these are gone, more are produced
- f ד' אבי: permitted to give someone X for a barrel of wine with the stipulation that if it goes bad, the deal is reverted,
  - i But if: the price appreciates or depreciates, the buyer loses/gains
  - ii Challenge (ר' שרביא): this seems to be closer to a gain (for buyer) and a loss (for seller) → רבית
  - iii Answer: since the buyer accepts depreciation as well, it is קרוב לזה ולזה → permitted