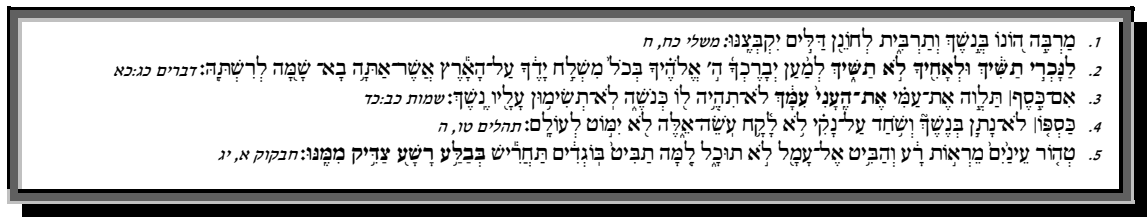


21.5.9;

69b (משנה ה') → 71a (אינו בולע)



## I ה משנה: permissible partnerships

- a *Animals*: may give any animal that works (e.g. ox, donkey) to be raised for 50% of profit
- i *Places*: where the custom is to divide the ולדות at birth – this is done; if to be raised – also valid custom
- ii *דשב"ג*: we assess the calf (e.g.) with its mother and may artificially raise value of field, no concern for רבית
- iii *ברייתא*: explanation of שדהו על שדהו – A rents a field from B that generates 10 כור a year; A may then borrow money from B which he will invest in field, promising 12 כור
- 1 *However*: may not do this with a shop or boat (e.g.)
- 2 *ל"ג*: in some circumstance could do this with a shop – if it needs painting; or a boat – if it needs a new mast
- (a) *Explanation*: both of these improve value and “attraction” of shop/boat and increase value – not רבית

## II Tangential ruling of רב: permitted to charge rent and damages for a boat

- a *ל"ג*: should only be able to charge one; else, it is כרבית (רב had no answer)
- b *Defense* (ר' ששת): *ברייתא* forbids assessing animal with split proceeds, but may do so from non-Jews (no איסור רבית)
- i *However*: one may set a value if it dies and also a monthly fee – as he hasn't set a value (while alive)
- ii *Ruling* (ר"פ): may charge both אגרא (rental) and פגרא (damages)
- iii *Protocol*: of boatmen: charge אגרא as of time of taking possession; פגרא when it gets damaged
- 1 *Note*: since this מנהג was recorded in a *ברייתא*, it is a valid custom

## III Enigmatic ruling of שמואל as reported by רב ענן: permissible to lend minor orphan's money רבית

- a *Challenge* (ר"ג): why would we enable an איסור that the יתומים violate?
- b *Background* (ר"ע): שמואל was entrusted with a pot for minor יתומים and would rent out and charge both אגרא+פגרא
- i *And*: our general approach is that a renter may charge either אגרא (for use) or פחתא (for depreciation); else → רבית
- c *Response* (ר"ג): even adults may charge פחתא in such a case, since the copper's depreciation is visible and inevitable
- d *Related ruling* (ר"ש or ר"ח): permitted to lend out יתומים' money when profit is more likely than loss
- i *Reason*: since this is רבית אבק רבית (דרבנן), we aren't stringent in case of יתומים קטנים
- e *Tangential ברייתא*: a partnership where the backer is more likely to profit – he is a רשע; the inverse – חסיד
- i *If*: it is 50/50 – this is proper and legal.
- ii *Question* (רבה לר"י): how do we properly administer estate for minors?
- 1 *Answer* (ר"י): *בי"ד* holds the funds and gives them an allowance per their needs
- 2 *Challenge* (רבה): capital is eventually lost
- 3 *Rather* (רבה): we purchase gold pieces and reinvest them with the seller in a קרוב לשכר partnership
- (a) *Note*: only unformed pieces; not jewelry וכר – may consider it a פקדון and he may seize it
- 4 *ל"ג*: if we can't find someone with gold pieces, we find someone whose property is unchallenged, is trustworthy and is obeisant to *בי"ד* (and never is under שמתא ban) and entrust him with the money in ב"ד

## IV ו משנה: ישראל and גרים and נכרים and how רבית applies

- a *ישראל*: we may not accept ברזל (i.e. צאן ברזל where the receiver is liable for depreciation) – this is רבית
- b *נכרי וגר תושב*: we may engage in such a partnership with them; we may lend to and borrow from them with רבית
- i *Challenge* (גמ): צאן ברזל belongs to owner (investor) – per משנה – if ישראל receives צ"ב from נכרי, נכרי receives צ"ב from ישראל
- ii *Answer 1* (אב"י): in our case, he accepted responsibility for depreciation; unlike case in בכורות
- 1 *Block* (רבא): if he doesn't accept אונסא וזולא, not considered צ"ב; in addition, סיפא should have added that
- iii *Rather* (רבא): בכורות is unique, since the non-Jews' potential ownership (if he comes to collect money and ישראל doesn't have – he'll take original animal; if not there, he'll take young) – הבכורה – באמצע פטור מן הבכורה – יד נכרי באמצע פטור מן הבכורה – יד נכרי באמצע פטור מן הבכורה
- c *Representative*: ישראל may lend non-Jews' money רבית with consent of non-Jew, but not with ישראל's consent

## V Ethical admonitions:

- a v1: one who lends ברבית – that money will eventually be given to the poor
  - i דב for instance, Shadpur the king (collects it and gives out צדקה)
  - ii ר"ה (per ר"ה): even applies to one who takes רבית from a non-Jew (!)
  - iii Challenge (רבא): our משנה explicitly permits רבית לנכרי (v2)
    - 1 Answer (רחב"א): only so the lender can earn a living, not to profit from it
    - 2 Answer2 (רבנן): רבנן forbade to protect against influence from them in business; for ת"ח permitted
- b Note: some read ר"ה's comment on the teaching of ר' יוסף:
  - i V3: priority to עמי (before ישראל); priority to עניים (before עשירים), priority to עניי עירך (before עיר אחרת)
    - 1 Note: 1<sup>st</sup> ranking is obvious –
    - 2 Answer (ר"ה): even to lend נכרי w/רבית – lending to ישראל comes first
- c ר' יוסי: blindness of מלוי ברבית – they virtually write a שטר that he is a גמור and denies God!
- d V4 (ר"ש): virtue of someone who lends to the poor without רבית
  - i Teaching: that someone who lends ברבית his estate crumbles
    - 1 Observation: we see people who don't lend ברבית and their wealth crumbles
    - 2 Answer (ר"א): those ave a chance to rebuild
  - ii Tangent: v5 – a רשע can only "swallow" up someone greater than he, not a צדיק גמור