

# Daf Notes

Insights into the Daily Daf

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Bava Metzia Daf 61

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## Daily Daf

### *Neshech and Tarbis*

Ravina says: The verse does not have to specifically say *neshech* regarding food or *ribbis* regarding money. If the verse would say, “Do not give him your money with *neshech* and your food with *marbis*,” it would be as you said. However, now that it says, “Do not give him your money with *neshech* and in *marbis* do not give your food” (with *neshech* and *marbis* written right next to each other), it should be interpreted as follows. “Do not give your money with *neshech* or *marbis*, and with *neshech* and *marbis* do not give your food.”

The *Gemora* asks: Didn't the author of the *braisa* just say that this lesson is taught using a *gezeirah shavah* of “*nemar nemar*?” [How can Ravina, who is an *Amora*, argue on the author of the *braisa* who is a *Tanna*?]

The *Gemora* answers: The *Tanna* means to say that if the lesson would not have been able to be learned as stated by Ravina, we would be able to derive it through a *gezeirah shavah* of “*nemar nemar*.” Being that the verse is stated as it is, there is no need for the derivation.

The *Gemora* asks: What, then, does the *gezeirah shavah* teach?

The *Gemora* answers: We need it for *neshech* regarding the verse, “Anything that will be *neshech*,” to tell us that the lender has a prohibition (not just the borrower, as stated in the *braisa*).

### **Theft, Interest, and Overcharging**

The *Gemora* asks: Why did the Torah have to state a prohibition regarding theft, interest, and overcharging?

[Aren't they all just cases of taking someone else's money?]

The *Gemora* answers: They are all necessary. If the Torah would only have stated a prohibition against interest, this would be a novel law that even the borrower could not take a loan with interest (*we could not derive overcharging from here*). If it would only have said theft, we would say that this is because money is being taken away against his will. However, overcharging is even during a consensual transaction. We would therefore not be able to derive from theft that overcharging is forbidden. If the Torah would only state that overcharging is forbidden, it could be because he did not realize that he was being overcharged. [However, if he knows how much he has to pay back, perhaps interest would be permitted.]

The *Gemora* asks: We clearly cannot learn one law from the other. Why doesn't the Torah state two, and allow us to learn the other law from the combination of two laws?

The *Gemora* continues: Which two could we learn from? If you would say that the Torah would not have to say the prohibition of *ribbis* (lending or borrowing with interest), and we could derive it from the combination of *gezel* (theft) and *ona'ah* (overcharging or underpaying), this is incorrect. This is because one could say that these two are without the knowledge of the victim, while *ribbis* is with the knowledge of the borrower that he will have to pay back more than he borrowed.

If you will say that we should derive *ona'ah* from *gezel* and *ribbis*, we could say that these two are different as

they are not being done in a normal buying and selling fashion. [It is normal for people to buy something for more than its market value if they really need it.]

Why don't we derive theft from *ribbis* and *ona'ah*? What could be asked? If you will say that *ribbis* is different as it is a novel law, so is *ona'ah*! If you will say that *ona'ah* is different as he did not know he was overpaying, *ribbis* shows that this is still prohibited (as the borrower knows he has to pay interest)! While each is not the same, they share the common denominator that they are taking money from people in a way that the Torah deems unjust, meaning that it is stealing! We should therefore derive from these two prohibitions that stealing is forbidden! [Why did the Torah have to write explicitly that stealing is forbidden?]

The *Gemora* answers: This is true. Why, then, did the Torah state that it is forbidden to steal? It stated this to show that it is forbidden to withhold wages from a worker.

The *Gemora* asks: This is an explicit prohibition, as the Torah states, "Do not cheat a worker who is poor and destitute"!?

The *Gemora* answers: Rather, it is to teach us that someone who holds back money from his worker transgress two prohibitions.

The *Gemora* asks: Why don't we say that this verse teaches us that for the sins of *ribbis* and *ona'ah*, one would transgress two negative prohibitions?

The *Gemora* answers: This is something that is derived from its context, and the context of the prohibition against stealing is alongside the prohibition of withholding the wages of a worker.

The *Gemora* asks: Why did the Torah have to say the prohibition of *geneivah* (hidden thievery, as opposed to *gezel* which is brazen thievery; it can be derived from *ribbis* and *ona'ah*)?

The *Gemora* answers: This is to tell us the laws in the following *braisa*. The *braisa* states: "Do not steal (hidden thievery)." This teaches us that one should not steal in order to pain someone or even to pay *keifel* (double the value; if someone wishes to give charity to a poor person, but he refuses. He could steal from him and the *keifel* will serve as his charity).

Rav Yeimar asked Rav Ashi: Why did the Torah have to state a prohibition against faulty scales? [This is stealing, which is already forbidden!]

He answered: This refers to someone who weighs down his scales with salt.

Rav Yeimar asked: This is also clearly stealing!

Rav Ashi replied: This prohibition teaches that once he makes the scale, even if he has not cheated anyone yet, he has already transgressed this prohibition.

The *braisa* states: "Do not commit a sin in (personal) judgment (meaning), in measures, weights, and liquid measures." "Measures," refers to measuring land. One should not measure one person's land in the summer and one in the winter. [Rashi explains that the measuring rope is wet in the winter and stretches well, while in the summer it is dry and is a smaller measure. Therefore, if one wants to divide a field evenly between two brothers, he should measure both portions during the same season.] "Weights," teaches not to weigh down a scale with salt. "Liquid measures," teaches that he should not boil the liquid in order that it looks like it has reached the top of the measure, when it really has not done so. This is a *kal v'chomer*: If the Torah cares about the accuracy of a "mesura" (word used in the verse to mean liquid measure but can also mean), one thirty sixth of a lug, certainly one should be careful with a *hin*, half a *hin*, third of a *hin*, quarter of a *hin*, a lug, half a lug, and a quarter of a lug. (61a – 61b)

## ***The Mention of the Exodus***

Rava says: Why does the Torah mention the exodus from Egypt when discussing interest, *tzitzis*, and measurements? Hashem says: I am the One Who differentiated in Egypt between the drop (of semen used to create) of a firstborn and the drop that was not of a firstborn. I will also be the One to collect from someone who pretends his money belongs to a gentile and lends it to a Jew with interest; someone who weighs down his weights with salt, and someone who puts fake dye on his *tzitzis* and says that it is *techeiles*.

Ravina went to the city of Sura that was next to the Euphrates River (as opposed to a different city that was simply called Sura). Rav Chanina from Sura next to the Euphrates River said to him: Why does the Torah mention the exodus when it discusses crawling creatures (that are forbidden to eat)?

Ravina answered: Hashem says: I am the One Who differentiated in Egypt between the drop of a firstborn and the drop that was not of a firstborn. I will also be the One to collect from someone who mixes the innards of unkosher fish with kosher fish and sells them to Jews (*as kosher*).

Rav Sura replied: I have difficulty (*not with the mentioning of the exodus but rather*) with the fact that it says, “The One Who took you up.” Why is that terminology only used here?

Ravina answered: This is to teach us the following teaching taught in the (*study*) house of Rabbi Yishmael. They taught: The verse means that if I only would have taken out *Bnei Yisrael* from Egypt so they should not become impure with crawling creatures, it would be enough.

Rav Chanina asked: Is there more reward for not eating these creatures than for keeping the laws of interest, *tzitzis*, and weights?

Ravina replied: Even though the reward is not more, they are disgusting for us to eat. (61b)

### ***Types of Interest***

The *Mishna* had stated: What is *tarbis*? One who increases his assets through produce. What is a case? If he bought wheat for a *dinar* etc.

The *Gemora* asks: Were all the cases stated previously not cases of *ribbis*?

Rabbi Avahu says: Until now we mentioned cases prohibited by Torah law. Now we are mentioning cases prohibited by Rabbinic law.

Rava similarly says: Until now we mentioned cases prohibited by Torah law. Now we are mentioning cases prohibited by Rabbinic law. Until now the verse applies, “*An evil one will prepare and a righteous one will wear.*” [This refers to the law that if a person collected interest and he bequeathed this to his sons, they do not have to give it back after they have inherited it from him.]

The *Gemora* asks: Until now, but not now?! [The *Gemora* is asking that the implication is that the sons do not have to return Torah interest that we have been talking about until now, but they do have to return Rabbinic interest. How can that be?]

The *Gemora* answers: Rather, he meant that even until now (*i.e. Torah ribbis*) this applies (*that the sons do not have to give it back*).

Until now we were discussing prearranged interest (*when the charge of interest was arranged at the time of the loan*) that had to be returned. From here on we are discussing “dust of *ribbis*.”

Rabbi Elozar says: Prearranged *ribbis* is taken away by the judges. “Dust of *ribbis*” is not. Rabbi Yochanan says: Even prearranged *ribbis* is not taken away by judges.

Rabbi Yitzchak says: What is Rabbi Yochanan’s reasoning? The verse states, “*With neshech he gave and tarbis he took, and he will not live, he did all of these abominations.*” This shows that he is destined to die, but does not have to return the money.

Rav Ada bar Ahavah says: His source is the verse, “*Do not take from him neshech and tarbis, and you will fear your G-d.*” This implies that the result should be fear of G-d, but he does not have to return the money.

Rava says: He derives this from the verse, “*He will surely die, his blood will be on him.*” People who lend with interest are compared to murderers. Just as murder cannot be retracted, so too. this is not fixed by being retracted (*paying back*). (61b)

### **QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF**

to refresh your memory

Q: Is a storekeeper allowed to distribute candies to children as a way to attract customers to his store?

A: It is a *machlokes* in the *Mishna*.

Q: Why do the *Chachamim* allow a storekeeper to undercut the market price?

A: For it will lower the price for everyone.

Q: Why does the Torah state *neshech* and *tarbis* with respect of interest?

A: This way, there are two prohibitions.