



Taking Interest in Taking Interest

The fifth *perek* deals with the prohibition of usury or taking interest on a loan. Interest is commonly understood as the charge paid for the right to use another person's money. Why is taking interest prohibited? The question is further strengthened as both parties indeed agree to the terms of the loan. Why is this not tantamount to any other rental deal where one party pays another for the use of their property.

The *Sefer HaChinnuch* (68) writes that it is the subtle destructive nature of interest that is at the core of the prohibition:

At the root of the precept lies the reason that the good, benevolent G-d desires the settled communal existence of His people that He chose. For this reason He commanded to remove a stumbling-block from their path, so that one should not swallow up the life-force of another without the other realising it, until he finds his house empty and bereft of every good.

Indeed *Chazal* explain that the *Torah* calls interest *neshech* as it is similar to a snake's bite ("*nashach*") which at first appears small and insignificant until poison causes swelling and eventually overtakes the person.

Rav Hirsh (*Vayikra* 25:36) has difficulty with viewing interest as being ethically wrong. Firstly if that were the case, there would not be an equal prohibition for both the lender and the borrower. Secondly, the exceptions learnt this week, where one can charge interest would not be justified.

He therefore has a completely different understanding of this prohibition. He points out that ordinarily, if our money was truly ours, then there is nothing unethical about taking interest. Had the lender not lent the

money, it could be used as fruitful capital. The interest would have been seen as compensation. Instead this prohibition is "a great act of acknowledgement of recognising G-d as the Lord and Owner of our moveable property, just as *Shmitat Karka* and *Yovel* are, regarding His mastery and Right of disposal of our landed property". He continues, "G-d has the real right of disposal of [the money in our possession] and He has made it our duty to place some of "His" property that happens to be in our hands into the hand of our brother, not only to provide the necessities for his life, but also for the upkeep and continuation of his business". Accordingly this prohibition serves as a reminder for the lender as to who is the true owner of his possessions.

Interestingly the *Ramban* (*Devarim* 23:20) also draws a parallel between not charging interest and *shmittah*. He however directs the focus back to the borrower explaining that this prohibition is motivated in encouraging acts of *chesed* amongst *Am Yisrael*.

Finally the *Kli Yakar* explains the importance of this prohibition for the lender from a different angle. He explains that at the heart of most business dealings is an element of risk and uncertainty. One can never really be sure of the full success of his venture. Consequently one is compelled to enhance his *bitachon*, trust, in *HaKadosh Baruch Hu*. Charging interest however is different. When one lends money on interest, the returns are guaranteed. Consequently there is a very real danger that one's sense of *bitachon* will be weakened if not removed all together.

We have therefore seen a number of reasons for the prohibition of taking interest. Some related to protecting the borrower, while others focused on the impact that such endeavours have on the lender himself.

David Bankier

Revision Questions

בבא מציעא ה' א' – ר' ג'

- What example does the *Mishnah* provide for *neshech*? (ה' א')
- What example does the *Mishnah* provide for *tarbit*? (ה' א')
- Can someone rent out an object at a discounted rate to the person who lent him money? (ה' ב')
- What are *marbin al ha'sachar* and *marbin al ha'mecher* and explain why one of the two is permitted while the other is not? (ה' ב')
- What can be problematic about giving a down payment on a property where the full purchase is conditional on completing the payment? (ה' ג')
- Who lent money using a field as collateral and why did the *Chachamim* permit it? (ה' ג')
- Why is it problematic to give a product to a merchant to sell agreeing that they will split the profit gain if sold above its value or split the losses? (ה' ד')
- How can this problem be avoided? (ה' ד')
- For which items does the problem discussed in the previous question not apply? (ה' ה')
- Based on the previous three question, what innovation does *R' Shimon ben Gamliel* believe can be employed to avoid this problem? (ה' ה')
- What does the *Mishnah* mean when it says "*mafriz al sadehu*" and is it permitted? (ה' ה')
- What is the nature of a deal where one party gives another "iron sheep" and why is it prohibited? (ה' ו')
- From whom can one charge interest? (ה' ו')
- Can a person purchase produce from another to be collected at a later date:
 - At an agreed price if the price of the produce has not been released?
 - At the current price of the produce? (ה' ז')
- What is the exception to the first case in the previous question? (ה' ז')
- What is different about purchasing manure? (ה' ז')
- Can one stipulate in a permissible purchase where he will collect the product later, that if the price drops he will pay the lower price? (ה' ז')
- What does *R' Yehuda* maintain regarding one who does not make this stipulation and the price falls? (ה' ז')
- To whom can one lend *chittin be'chittin* and why? (ה' ח')
- Why is it ordinarily prohibited? (ה' ט')
- What is the other general exception? (ה' ט')
- When is it problematic to say to a friend "help me with my work and I will help you with yours"? (List two cases) (ה' י')
- According to *Rabban Gamliel* can one send a thank you present to someone who lent them money? (ה' י')
- According to *R' Yehuda* how can words amount to interest? (ה' י')
- Which parties to a loan with interest have transgressed a biblical prohibition? (ה' י"א)
- For what type of work is one who was commissioned to do work and changes his mind, responsible to finance a replacement? (ה' י"א)
- What is the rule regarding changing the conditions of a workplace agreement? (ה' י"ב)
- If a rented animal dies is the person who rented it responsible and what is the exception? (ה' י"ג)

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Between mincha & ma'ariv
Mizrachi Shul

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
29 th July י"ד אב	30 th July ט"ו אב	31 st July ט"ז אב	1 st August י"ז אב	2 nd August י"ח אב	3 rd August י"ט אב	4 th August כ' אב
Bava Metzia 6:4-5	Bava Metzia 6:6-7	Bava Metzia 6:8-7:1	Bava Metzia 7:2-3	Bava Metzia 7:4-5	Bava Metzia 7:6-7	Bava Metzia 7:8-9

