

OVERVIEW of the Daf

1) Transporting merchandise (cont.)

The Gemara continues to cite a Baraisa that presents cases of transporting merchandise and whether someone may take the merchandise to sell in another location and pay for it at some later date.

Two explanations are offered to explain the Baraisa's last ruling.

The practical difference between these two explanations is identified.

A related incident is recorded.

The Gemara inquires whether the arrangement in the previous incident is permitted for items other than produce.

R' Yochanan proves that the arrangement may only be done with produce.

2) Advance payment for grapes

Rav and Shmuel disagree whether one can give an advance payment for the future produce of a vineyard.

The Gemara explains the rationale behind their respective positions.

R' Simi bar Chiya qualifies Rav's position.

The Gemara records the advice Shmuel and Rava gave to different people to avoid issues of interest.

3) The business dealings of different Amoraim

It is reported that the rabbis accused Rava of consuming interest but he defended his position and deflected their accusation.

Additional practices involving the business dealings of Amoraim are presented and analyzed.

4) Negligence of an agent

R' Chama ruled that an agent who did not purchase the wine he was sent to purchase must reimburse the principal with the wine that could have been purchased at the cheaper price even if it means he has to pay out of pocket.

R' Zevid asserted the ruling is limited to where he sent him to purchase unspecified wine.

R' Ashi argues that even when he sent him to purchase unspecified wine the agent is not obligated since it is an **אסמכתא** agreement.

R' Ashi's position is unsuccessfully challenged. ■

Distinctive INSIGHT

Rav Mari, the son of Rochel

רב מרי בר רחל

The Gemara tells the story of Rav Mari, the son of Rochel, who lent money to a gentile, and of the various consequences of that episode.

It is highly unusual to find an Amora whose lineage is ascribed to his mother, rather than to his father. Rashi addresses this issue, and he explains that the mother of this Amora, Rav Mari, was Rachel, the daughter of the Amora, Shmuel. Rachel had been taken captive, and while in captivity among gentiles, she was taken in marriage by one of the captors. After she became pregnant, this man converted, and he was known as Isur Giora, Isur the convert. As a sign of respect for Rav Mari, who was conceived before his father was Jewish, the Gemara does not refer to him as the son of his father, but as the son of his mother, Rachel.

עין יהוסף asks why Rashi had to note that it was more honorable for Rav Mari to not be associated with his father specifically because he was conceived while his father was not yet Jewish, when the very fact that his father was a convert should be reason enough to justify his being called the son of his mother, rather than his father. He answers that in general, no discrimination is shown to the son of a convert, whereas the child of a father who was not Jewish at the moment of conception is disqualified to be a judge in a Jewish court, and he cannot serve even in deciding financial matters. Therefore, if there is some element of disadvantage, it is not simply due to his father being a convert, but rather to the father's being non-Jewish at the moment of conception. Therefore, the Gemara chooses not to mention the father of R' Mari so as not to focus on this aspect of his background which would be embarrassing.

Notwithstanding this explanation, the Gemara in *Ye'vamos* (45b) identifies R' Mari as a judge who adjudicated financial matters. This, in effect shows that even with his familial blemish, he was not disqualified to serve as a judge. We would have to then explain that whether his father was a convert before or after his conception, the Gemara still wanted to avoid identifying his father due to his background.

Tosafos (here, **ד"ה רב**) notes that the Gemara in *Shabbos* (154a) identifies that there were two people named R' Mari bar Rochel, one who was the son of Issur Giora, while the other was the son of Rabba. Maharam Shif explains that the son of Rabba was called by his mother's name because his mother descended from an outstanding family. **Tosafos** in *Bava Basra* (149a) identifies several Amoraim who were called by their mother's name for this reason. ■

HALACHAH Highlight

Borrowing eggs and discovering that some have blood spots

אחולי הוא דקא מחלי גבך

They are willing to forgo [the additional amount] to you [as a gift.]

A person once borrowed ten eggs from his neighbor. When the borrower cracked open the eggs he discovered that a number of the eggs had blood spots and were not usable. This raised an interesting question. When the borrower repays the lender his ten eggs is it permitted for him to give the lender ten good eggs? Perhaps repaying the lender with ten good eggs violates the prohibition against interest since the lender is receiving better quality eggs than the eggs that he supplied to the borrower.

Teshuvos Shevet Halevi¹ began his response with an analysis of Shulchan Aruch's ruling concerning the sale of eggs. Shulchan Aruch rules that if Reuven sells eggs to Shimon and Shimon discovers that some of the eggs are infertile and thus unfit for consumption the transaction is invalidated (מקח טעות) and Shimon has the right to a refund of his money. Nowadays, continues Shulchan Aruch, the custom is that refunds are not given if a buyer discovers that the eggs are infertile and we apply the principal, מנהג מבטל הלכה – custom nullifies the law. In other words, although all opinions agree that the sale of infertile eggs should be nullified, since it is impossible to know ahead of time whether the eggs are infertile or not the custom developed that the sale of eggs is valid even if it is discovered that the eggs are infertile.

STORIES Off the Daf

Expressing gratitude

"קא אכלי מר ריבית..."

Today's daf discusses prohibited interest. Even a borrower who blesses someone who lends him money is in clear violation of rabbinic interest.

It is very normal for people to borrow money to cover the expense of printing a sefer. Naturally, the author wishes to give some kind of thanks or bless the lender in his book, since without his generosity there would be no publication.

Yet the Erech Shai, zt"l, prohibits this.¹ Rav Moshe Feinstein, zt"l, suggests

a simple way around this prohibition. One can certainly write that "the lender will be blessed from heaven." The reason this is permitted is that the borrower is not blessing the lender, he is merely writing what will be as a result of his generosity.²

Rav Shlomo Zalman Auerbach, zt"l, pointed out that although people know that one may not thank another, they say, "Tizku l'mitzvos." He continued, "This is not a halachically permitted alternative, since Tosafos in Kiddushin 8 says clearly that tizku l'mitzvos is ריבית. It seems to me that they would be better off saying thank you, since this is not a blessing and may be different from giving a brachah which is clearly prohibit-

REVIEW and Remember

1. What is the difference between the explanation of the Baraisa of R' Pappa and R' Acha the son of R' Ika?
2. How did Rava advise watchmen to avoid collecting interest?
3. Why did Rava of Barnish think that the rabbis were collecting interest?
4. According to the Baraisa, what should one do if he sees a Jew behaving improperly?

Shevet Halevi asserts that the custom applies only when the customer paid for the eggs only to discover that some were infertile but if the customer has not yet paid for the eggs he is not obligated to pay for the eggs that are infertile. Accordingly, in the case of a loan if the borrower discovers that some of the eggs have bloodspots it turns out that he never borrowed those eggs in the first place, therefore, the lender may not demand reimbursement for those eggs. Their only value would be to use them for glue or something similar but since eggs for that purpose are cheaper than eggs that are eaten it would violate the prohibition against interest for the borrower to return to the lender ten edible eggs. ■

1. שו"ת שבט הלוי ח"י ס"י קל"ג.

2. שו"ת חו"מ ס"י רל"ב סעי' י"ט. ■

ed."³

But when someone showed him that the Shulchan Aruch HaRav Baal HaTanya explicitly prohibits saying "thank you," Rav Shlomo Zalman backtracked. "I thought that the rabbis only prohibited giving a blessing or praising the lender since he has pleasure from this. But thank you is no brachah at all, and how can one take a loan and act as though the lender did him no kindness? This is surely a contradiction to derech erez and is presumably prohibited. But when I was shown the Shulchan Aruch HaRav I changed my mind."⁴ ■

1. מובה בדרכי תשובה ס"י ק"ס, ס"ק פ"ח

2. שו"ת אג"מ, יו"ד, ח"א, ס"י פ"י

3. מנחת שלמה, ח"ב, ס"י ס"ח

4. שם, חלק א', ס"י כ"ז ■