

**NEW EDITION OF THE BABYLONIAN  
TALMUD; SECTION JURISPRUDENCE  
(DAMAGES); TRACT BABA METZIA  
(MIDDLE GATE, PART II.), VOL. IV.  
(XII.), PP. 145-316**

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**MICHAEL L. RODKINSON**

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(MIDDLE GATE, PART II.), VOL. IV.  
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NEW EDITION  
OF THE  
**BABYLONIAN TALMUD**

**Original Text, Edited, Corrected, Formulated, and  
Translated into English**

BY  
**MICHAEL L. RODKINSON**

**SECTION JURISPRUDENCE (DAMAGES)**

**TRACT BABA METZIA  
(MIDDLE GATE, PART II.)**

**Volume IV. (XII.)**

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#### EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itehar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses ( ) denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [ ] contain commentaries by authorities of the last period of construction of the Gemara.

TO HIM

WHO HAS EVER BEEN AMONG THE FIRST TO GIVE HIS FREE-WILL OFFER-  
INGS IN BEHALF OF THE DOWNTRODDEN—A LIBERAL DONOR  
TO ALL PHILANTHROPIC INSTITUTIONS—A STAUNCH  
FRIEND AND ADVOCATE OF ISRAEL'S PUREST  
IDEALS, TRADITIONS, LITERATURE  
AND RELIGION—AN ILLU-  
TRIOUS EXEMPLAR

LEONARD LEWISOHN, Esq.

THIS TRACT—BABA METZIA (VOLS. XI. AND XII.)—WHICH TREATS OF ZEDAKAH  
(JUSTICE-CHARITY) AND MISHPOT (JUDGMENT), IS MOST  
RESPECTFULLY DEDICATED

BY THE EDITOR AND TRANSLATOR

MICHAEL L. RODKINSON

New York, in the month Ziv 5661, April 25, 1901.

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CHAPTER V.

MISHNAS I. TO IV. What is considered usury, and what increase? Why does the Scripture mention separately a negative commandment regarding usury, robbery, and cheating? A small liquid measure one shall not fill up in a manner to make foam. Why is the redemption from Egypt mentioned in the Scripture in conjunction with usury, zizith, and weight? Usurers are equalled to shedders of blood. "That thy brother may live *with thee*" (but shall not die with thee, *i.e.*, the life of thyself is preferred to, etc.). One must not fix a price on fruit before the market prices are announced. The many things which may be done in a sale, but not in a loan, as they may appear usurious. The rule of usury in transactions is: If one sells the article cheaper because it is not yet in his possession, etc. If one has returned robbed money with an account of other money he had to give, he has done his duty. A lender must not dwell in his debtor's house "for nothing," or even for decreased rent. Hiring may be increased, but not sale. How so? One is allowed to increase the price of an article when the money is to be paid at a certain time after delivery (provided he does not say: "If for cash, you will have it cheaper"). There are cases in which the use of the fruit is permitted to both, prohibited to both, permitted to the seller only. Stipulations which may or may not be made in selling real estate. What is to be considered gossip. Does an *asmakhta* (for definition see p. 160) give title or not? There was a man who sold an estate with the security of his very best estates, finally they were overflowed. Is usufruct considered direct or indirect usury? In places where it is the usage for the lender to use the fruit from a pledged estate without any deduction of the debt, and the borrower has a right to return the money at any time, then is the law, etc. A scholar, however, must not do even this. From pledged estates a creditor of the lender has no right to collect in case he dies. Also a first-born of the lender cannot claim the double amount prescribed to him biblically. If the borrower say to the lender: Stop using the fruit, etc. The different customs in pledging real estate at Papuna, Mehusa, Narsha. Why a pledge is called *mashkhantha* . . . . . 145-166

MISHNAS V. TO XI. The law about giving money or articles for half profit. The proper payment for raising cattle. Why R. Papa decided differently in the cases of the Samaritans who appeared before him. R. Hama used to rent zuzes daily for the smallest coin for each zuz and he lost his money. All animals which are laboring for their food may be appraised, that the increase shall be divided equally. One may say to a farmer: I shall give you twelve kur of grain instead of the ten you demand, if you will lend me some money to manure your field. One may rent a boat on the condition that should it break he shall be responsible. One may say: I take your cow for the price of thirty dinars in case it should die, etc. May money belonging to orphans be lent for usury or not? One who lends money for a business which is very likely to bring profit with little chance of loss is wicked; for one which is likely to bring loss and far from profit, is pious, etc. An iron sheep must not be accepted from an Israelite, etc. (for explanation see Mishna VII). An Israelite may lend to his race money belonging to non-Israelites for usury, etc. The interpretation of verse 8, Prov. xxviii. The meaning of verse 24, Ex. xxiii. He who takes usury will lose all his possessions. What is to be done with the usury promised by or to a heathen, after he has been proselyted. A note in which usury is mentioned the lender must not be allowed to collect even the principal, which he must forfeit as a fine. Articles for delivery during the year must not be bought for a certain price before the market price is fixed. If one travelled with stock from one place to another, and while on the road his neighbor asked him to sell to him at the price of the place he intends to go to, etc. What Samuel ordered the grain dealers, who used to advance money for grain to the farmers, to do. Also the order of Rabha to the watchmen. Are the rabbis consuming "usury" by paying in *Tiskri* for the wine they will choose in *Teveth* when it is already in good condition? I call your attention, master, to the rabbis, who pay head-tax charges for those who cannot pay them, etc. Seuram used to compel doubtful characters to carry the palanquin of Rabha. If one of a company of three partners has given money to a messenger to buy something, it is to be considered as for the company, and not as for himself. If the grain was to be finished with two kinds of labor only, one may fix the price, but not if he require three kinds of labor. There was a man who paid a stipulated amount for an outfit to be delivered at the house of his daughter's father-in-law, in the meantime the value of the equipment was reduced, etc. One may lend his gardeners wheat to be returned in the harvest-time the same measure, etc. (for meaning see p. 184). Hillel (the First) says: A woman must not lend a loaf of bread to her neighbor unless a price is stipulated for it, for fear wheat may become dearer, and then the return of the loaf (of the same quality) will appear usurious. The Hala-kha, however, does not so prevail. One may say to his neighbor: Help me in weeding or digging to-day and I will help you on some other day, etc. There is a kind of usury which may be called preceding usury, and another kind which may be named succeeding usury. How so? If one owes his neighbor money and it was not customary for him to greet him first, before the loan, he must not do so after the loan took place. If one is aware that his debtor has nothing with which to pay he must not pass him by. There are three who cry for help and are not heard . . . . 166-187