

1. RIBBIS FROM AN AKUM II

This that we mentioned in the previous issue regarding *ribbis* from a non-Jew, is all from a Biblical standpoint; however, subsequently it was forbidden by Chazal to lend an *akum* with ribbis, provided that it is *ribbis deOraisa*. The reason for this decree is in order that we keep our distance and not learn from their way of life.

There are however two exceptions to this rule. The first one is regarding one who needs to do so in order to earn a living, and is not merely trying to amass wealth. The second is a *talmid chacham* whom Chazal trusted would not be influenced by an *akum*, who may lend to them with ribbis. Tosfos adds that in our times when we are subject to the pressures of taxes, and our business dealings inevitably involve *nochrims*, it is permitted to charge them ribbis. These interactions will not cause us to leave our protected communities, as we are already dwelling among them.

The Chochmas Adam writes that it is a *middas chassidus* to refrain from using this leniency. Some add that those living in *Eretz Yisrael* would still be subject to this decree. (See also Radak, *Tehillim* 15:5). Some include a *mumar lehachis* (one who wantonly rejected the Torah without personal gain), and a *moser* (an informer) in the above *heter*. There is some discussion whether the ribbis can be collected when the borrower became a *mumar* between the loan and its collection. (See *Shulchan Aruch, Yoreh Deah*. 159.)

2. SEAH BESEAH — MEASURE FOR MEASURE

Chazal prohibited borrowing a certain measure of fruit, or other commodity, with the agreement to pay the exact amount of the same item. The reason for this prohibition is because the asset may increase in value before satisfying the obligation, and the borrower is actually returning assets of greater value than he borrowed.

There are two notable exceptions to this prohibition: a) if the borrower has a similar item in stock, or b) there is a fixed market value to the item.

The aforementioned prohibition can apply to foreign currencies as well. A foreign currency is considered a commodity, and therefore would be subject to the prohibition of *seah beseah* when borrowing and repaying in that currency. For example, if one borrows Canadian or Israeli currency in the United States to be paid back in the same currency that was borrowed, he transgresses this prohibition. If the

borrower owns a minimal amount of that currency, it would be permissible.

When borrowing the local currency on the other hand, one may return the exact amount, even if it had appreciated in value. Even if inflation caused the value to drop sharply, one nevertheless repays only the amount borrowed.