Snakes and Sharks: The Business of Interest

**ויקרא פרק כה, לה-לט**

וְכִי יָמוּךְ אָחִיךָ וּמָטָה יָדוֹ עִמָּךְ וְהֶחֱזַקְתָּ בּוֹ גֵּר וְתוֹשָׁב וָחַי עִמָּךְ: **אַל תִּקַּח מֵאִתּוֹ נֶשֶׁךְ וְתַרְבִּית וְיָרֵאתָ מֵאֱלֹהֶיךָ וְחֵי אָחִיךָ עִמָּךְ**: אֶת כַּסְפְּךָ לֹא תִתֵּן לוֹ בְּנֶשֶׁךְ וּבְמַרְבִּית לֹא תִתֵּן אָכְלֶךָ: אֲנִי יְקֹוָק אֱלֹהֵיכֶם אֲשֶׁר הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרָיִם לָתֵת לָכֶם אֶת אֶרֶץ כְּנַעַן לִהְיוֹת לָכֶם לֵאלֹהִים: ס

If your kinsman, being in straits, comes under your authority, and you hold him as though a resident alien, let him live by your side: do not exact from him **advance or accrued interest**, but fear your God. Let him live by your side as your kinsman. Do not lend him your money at advance interest, or give him your food at accrued interest.

**Bava Metzia 60b**

**MISHNA: Which is** the case in which there is ***neshekh*?** With regard to **one who lends** another **a *sela*,** worth four dinars, **for five dinars** to be paid later, or one who lends another **two *se’a* of wheat for three** *se’a* to be returned later, this is **prohibited, as it is taking interest [*noshekh*]. Which is** the case in which there is ***tarbit*?** It is the case of **one who** enters into a transaction that yields **an increase in the produce** beyond his investment. **How so?** For example, **one acquired wheat from** another at the price **of** one ***kor*** of wheat **for** one **gold dinar,** worth twenty-five silver dinars, with the wheat to be supplied at a later date, **and such** was **the** market **price** of wheat at the time he acquired it. The price of one *kor* of **wheat** then increased and **stood at thirty dinars.** At that point, the buyer **said to** the seller: **Give me** all of **my wheat** now, **as I wish to sell it and purchase wine with it.** The seller **said to him:** Since it is ultimately wine that you want, not wheat, each *kor* of **your wheat is considered by me** to be worth **thirty** dinars, **and you have** the right to collect **its** value in **wine from me. And** in this case, the seller **did not have wine** in his possession. If wine then appreciates in value, the result will be an interest-bearing transaction, as the buyer collects from the seller wine worth more than the wheat for which he paid.

**GEMARA: ...Rather, Rava said: You do not find *neshekh* without *tarbit* nor *tarbit* without *neshekh*, and the verse distinguished** between **them only so that** lending with interest always involves **violating two prohibitions.**

**The Sages taught in a *baraita*: The verse states: “You shall not give him your money with *neshekh* and with *marbit* you shall not give him your food” (Leviticus 25:37). I have derived only that there is a prohibition of *neshekh* for a loan of money and a prohibition of *ribit* for a loan of food. From where is it derived that there is *neshekh* with regard to a loan of food as well? The *baraita* answers: A different verse states: “You shall not lend with interest [*tashikh*] to your brother: *Neshekh* of money, *neshekh* of food, *neshekh* of anything that is lent with interest [*asher yishakh*]” (Deuteronomy 23:20). The *baraita* continues: From where is it derived that there is *ribit* with regard to a loan of money? The verse states: “*Neshekh* of money.”**

**R. Shimshon Raphael Hirsch, Vayikra 25:36**

נשך phonetically related to נזק, damage, designates interest on loans from the point of view of the “damage” the loss incurred by the borrower, while תרבית looks on it from the point of view of the “increase” – the gain to the lender…

# Like the Snake in the Grass

**ילקוט שמעוני יחזקאל רמז שעה**

מתים שהחיה יחזקאל ששים רבוא, וכלם עמדו על רגליהם חוץ מאיש אחד, א"ל הנביא רבון העולמים, מה טיבו של זה האיש? א"ל בנשך נתן ותרבית לקח וחי חיה לא יחיה.

**שמות רבה (וילנא) פרשת משפטים פרשה לא**

אמר הקב"ה וחי לא יחיה נשך ותרבית לקח - אמר הקב"ה מי שחיה ברבית בעולם הזה לא יחיה בעולם הבא...למה הרבית דומה למי **שנשכו נחש** ולא הרגיש מי נשכו ולא ידע עד שנתבטבט עליו, כך הרבית אין אדם מרגיש בו עד שתתבטבט עליו.

# The Dangers of Money

**כלי יקר ויקרא פרק כה**

עיקר טעם איסור הריבית הוא לפי **שהוא מסיר מדת הבטחון** מן האדם כי כל בעל משא ומתן עיניו נשואות אל ה' לפי שהוא מסופק אם ירויח או לא **אבל הנותן בריבית ריוח שלו ידוע וקצוב** וסומך על ערבונו שבידו **ומן ה' יסיר לבו**. ומה שגם הלווה עובר בלאו לפי שהוא מחטיא את המלוה ומסירו מן מדת הבטחון כנודע מדבר המלוים בריבית שרובם מקטני אמנה ואבירי לב הרחוקים מצדקה מצד כי אין בטחונם בה'. **ומה שמותר ליתן בריבית לעכו"ם לפי שכל עכו"ם חזקתו שהוא אלם וגזלן** אפילו אם הוא כבוש תחת ידך מכל מקום דרכו לבוא בעקיפין, ואפילו אם ערבונו בידו לעולם אינו בטוח לא בקרן ולא בריוח ועל כן תמיד עיניו נשואות אל ה' להצילו מידו וזה טעם איסור הריבית בכל מקום.

**R. Shimshon Raphael Hirsch, Shemot 22:24**

This law takes away the worst effect of the power of money, that most potent factor in causing social inequality.  It breaks the too great power of capital.  If this prohibition is strictly kept, all capital is in itself **dead and unproductive**, and can only be of use by wedding it to labor.  It raises labor to the primary and essential factor of social well-being.  Capital is forced to recognize the equality of labor.  The rich man must either bring his otherwise dead capital to production by his own powers of work, or he must associate himself with the powers of labor of the poor man, share profit and loss with him, and in his own interests further the interests of labor.

# Property Rights and Property Responsibilities

**R. Shimshon Raphael Hirsch, Vayikra 25:36**

[The] Torah in no wise looks on interest on loans as anything which is **morally wrong**. Otherwise it would not forbid with equal solemnity the paying of interest as it does the taking of it, nor would it restrict the prohibition to Jews only…Were we the real owners of our money, and if the loaning of it was completely an act of our own free will, then possibly the interest on loans which we take after a time might be considered neither as *neshekh* [usury] towards our debtors nor *tarbit* [increase] on our part.  **Our debtors may have earned money with *our*money (and it is just of such a loan for business purposes** that our text speaks, see verse 35).  The interest which he gives us is…no loss of any of his fortune, it is only a part of the fruit which our capital has begotten in his hands… **For we were not bound to lend him our money. Had we kept it in our own hands it could also have been fruitful capital**, we could also have earned with it, and the interest we receive is of no real increase of our fortune, it is only compensation…for an increase which we have lost…

But now, looking at it from the Jewish point of view, **our money is not absolutely our own property, it is only conditionally ours**.  God has the real right of disposal of it, 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**. Against his duty to pay us back a similar sum in a certain time, the money, which up till then had been ours, **at God’s behest, at the moment of transition becomes “his”**. **It is not with our money, it is with his own, that he does business**. The profit made is the product of his activity with his own money and consequently **exclusively** his. If we demand any part of it, we are demanding a נשך of his fortune, and at the same time, in any case, תרבית, it is an increase, an addition to our fortune, not compensation for anything that we might have been able to earn with the money loaned, for we had no right to keep it back for our own use, as God, the real Owner of all property, had placed it at the disposal of somebody else.