

The Loan Arranger

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Excerpted and adapted from a *shiur* by HaRav Chaim Weg

https://baishavaad.org/wp-content/uploads/2020/12/BER81_010_Mikeitz_Guarantees_of_Interest_Guarantors_Ribbis_and_More.mp3

I will guarantee him; of my own hand you can demand him. If I do not bring him to you and stand him before you, then I will have sinned to you for all time.

Bereishis 43:9

The Gemara enumerates three different kinds of *areiv* (guarantor):

- The standard *areiv*: If the borrower doesn't pay, the lender may collect from the
- An *areiv kablan*: The lender has the choice to collect from either the borrower or the (The Gemara derives the validity of this type of *areiv* from our *pasuk*.)
- An *areiv shluf dutz*: The *areiv* takes primary responsibility, and the lender turns to him first for payment.

In contrast with most obligations in Choshen Mishpat, which are incurred in exchange for the receipt of some benefit, an *areiv* undertakes the responsibility of repayment without receiving a thing. By what halachic mechanism does he become obligated?

The Kehilos Yaakov (Kidushin 12) offers four explanations:

- The Rambam explains it as a *kinyan odeisa*, where the *areiv* acknowledges that he is responsible to pay.
- According to the Ritva, the *areiv's* obligation is in exchange for the pleasure he derives from the trust placed in him by the lender.
- The Rashbam suggests that since the *areiv* instructs the lender (who is considered his agent) to lend the money to the borrower, the *areiv* "receives" the money to give to the borrower, and in exchange, he must repay the loan.
- The Nimukei Yosef says the obligation takes effect with only the verbal commitment of the *areiv* because that commitment was so strong that it made the lender willing to part with his money.