

RIBBIS: MATTERS OF INTEREST

1. WHO IS CONSIDERED A BORROWER?

Virtually any time a Jew lends money to another Jew, the laws of ribbis will apply. The title “borrower” in halachah is applied anytime a Jew borrows money or consumable commodities from another Jew.

Furthermore, one who purchases merchandise on credit is also considered a borrower and the seller a lender. Similarly, after workers complete a project or a repair, the employer is considered a borrower and the employees lenders, since the job has ended and the wage payment is outstanding. When such titles are conferred, laws of ribbis will apply in some form.

2. RIBBIS FROM AN AKUM I

The *pasuk* in *Parshas Ki Seitzei* says, “You shall not take ribbis from your brother, whether in the form of money or produce, or any other form” (*Devarim* 23:20). “*Lanochri sashich ule’achicha lo sashich*” (*ibid* 23:21) means you may charge an *akum* interest but not a fellow Jew. There are various approaches among the *Rishonim* regarding taking ribbis from an *akum*. The Rambam (*Sefer HaMitzvos*, *asin* 198, and *Hilchos Malveh* 5:1) takes this verse to mean that there is in fact a positive commandment to lend to an *akum* with interest. The Ra’avad and Ramban, however, disagree with this approach and say that the *pasuk* is merely allowing us to collect ribbis from a *akum*, but not in any way commanding us to do so. In their opinion “*lanochri sashich*” is understood to serve as a positive commandment, further prohibiting the collection of ribbis from a Jew, by contrasting the *halachah* regarding a Jew and that of an *akum*.

The Abarbanel also takes issue with the Rambam’s view, arguing that if the Torah considers taking interest to be an evil act, why does the Torah permit doing so from anyone? Why is it different than the prohibitions not to kill or steal, which apply to all of mankind? At the very least, the Torah shouldn’t *command* us to take interest! The Abarbanel resolves this by explaining that although the Torah prohibits accepting interest from a Jew, it is not something that is considered inherently evil. In fact, it is a great kindness to lend money, even with interest, as it gives the borrower the opportunity to make an investment and perhaps a livelihood. According to the Abarbanel, the Torah only prohibits a Jew to take interest from another Jew, because it is considered a brotherly act to forego such charges. The Torah requires us to treat a fellow Jew as one would treat one’s brother, which is with a greater degree of kindness.