

THE CALL CENTER for HILCHOS RIBBIS

UNDER THE AUSPICES OF HARAV PINCHOS VIND SHLITA



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סניף ליקוואוד וגלילותיה

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Q&A

Q. I'm trying to renovate my house, and I need a large loan. However, when I approached my friend to ask him for a loan, he told me that he would be happy to help, but currently since he doesn't have a good job, he doesn't have extra cash to lend. I am in the business of job recruiting and I would like to know if I am allowed to find him a better job so that he will have the money to lend me.

A. No. You are not allowed to try to find him a better job so that he will have the money to lend you.

Explanation: Every favor that one does for someone else to get him to lend him money is considered ribbis and is forbidden. Although in this case one might argue that it's different, as the favor that is being done is not mainly to benefit the lender rather its mainly being done with the intention of benefiting the borrower as this is the only way the lender can lend him the money, and perhaps this might be the only thought that is going through the borrowers mind, it is still אסור. In addition, one might argue that just as one can pay for all expenses that the lender needs in order to facilitate the loan (with the exception of interest the lender needs to pay to have the funds for the loan as that is always prohibited to pass on to the borrower), so too he may work on finding him a job for free so he will have the money to lend him. However, since at the end of the day the lender is gaining from it, and it's being done to get the lender to lend him the money, and the service he is doing for the lender is **not directly** connected to facilitating the loan, rather it's a **step away** from the direct facilitation of the loan, it would be אסור.

Q. I owe my landlord money, and he is making me crazy about it, like shutting the electricity on my floor certain times of the day, may I give him a gift and ask him to stop harassing me for the payment.

A. It would depend on what you are requesting from him with this gift. If you're just asking him not to embarrass you (i.e. shutting your electricity), then although the landlord may be permitted to do so to get you to pay, it would still be permitted for you to give him a gift to stop his harassment. However, if you are asking him to stop requesting payment for some time, then it's prohibited.

Explanation: Any favor being done to delay payment is considered ribbis. In addition, if when you give the gift, you ask the landlord not to ask you for the payment for some time, it may even be ריבית קצוצה, as you are asking for an extension because of the present you're giving. However, if the landlord can still request from you the money right away, but you are just asking not to make a commotion out of it, that would be permitted, as the gift is not being given to buy more time for the loan, rather just not to get harassed.

(Adapted from ספר התשובות ברית פנחס ח"א סי' כ"ב וסי' ק"ס)

Charging a fee for credit card usage

Q. I own a store, and I would like to charge a two-dollar fee for credit card purchases of fifteen dollars and less. Is there any ribbis issue with this?

A. Yes, there is an issue of ריבית and it's אסור. In general, many Poskim hold that one may pass on the credit card processing fee to the customers, as any expense that is directly related to facilitating a loan may be passed on to the borrower (except for interest, even if it's interest from a loan with a non-Jew). However, in this case, since the processing fee for purchases of fifteen dollars and under is **never** even close to two dollars (at most it's one dollar), it's clear that one's charging more for the actual credit card usage and not to help defray the costs of the processing fees, which is ריבית. The reason for this is that when a customer uses a credit card for a purchase it's considered as if the store owner is selling him the item on credit as he waits for the payment to go through, which is halachically considered a loan. Consequently, charging for that service (in addition to charging for the expenses directly related to it) is ריבית and אסור.

Q. In the above case, would charging a flat fee of one dollar for all purchases fifteen dollars and less be allowed? Or since for purchases less than fifteen dollars their processing fee is slightly less, it's אסור.

A. Yes, one is allowed to charge that amount. The reason for this is that whenever we are dealing with ריבית on a rabbinic level called ריבית דרך, מקח וממכר, and the transaction doesn't look like ribbis, even if one is doing it for ribbis purposes, it is still מותר. Hence, in our case since we are dealing with ריבית דרך, and it's self-understood that you would want to charge slightly more than the actual processing fee because it's too time consuming to figure out for every purchase the exact amount of the fee making it the most efficient way a store owner would run his credit card payments, it's מותר. Consequently, even if it is obvious that at times the store owner is charging slightly more than the fee (and his intention is for ריבית, although it's not evident), it's still מותר, since the extra amount is not seen as ריבית rather as part of running the business in an efficient manner.

Q. I run a sleep away camp and offer a service for parents who need to send money to their children. Campers who need money can have their parents send money through the camp, by having us charge their parents credit cards for the amount they want to give and then give that amount to the camper. Would I be allowed to charge 4% for all transactions (whether large or small) for this service, even though it's a drop more than the actual processing fee?

A. If the camp gives the money to the campers before the parents' money reaches the camps bank account then technically, we are dealing with a regular loan, and we don't have the above-mentioned leniency that as long as it is not noticeably ריבית it's מותר even if his intention is ריבית. Therefore, to charge a flat rate of 4% as a processing fee, would only be מותר if it's there just to make the process more efficient. However, any amount that is being charged because of ריבית intentions even if it's a small amount that does not look like ריבית, would be אסור as we are not dealing with ריבית דרך, מקח וממכר rather a regular loan. Notwithstanding, since there is a service involved in this transaction of delivering the money to the campers and the time it takes to deal with it, then one may charge for that service in addition to the processing fee, similar to check-cashing business. However, since this service is the same whether the camp is swiping ten dollars or a hundred dollars, many Poskim say that it should be charged as a flat fee not a percentage of the money being given. Another option would be to have a proper Heter Iska done, and then one may charge a percentage for this service too.

However, if the money is given to the campers after it has already reached the camps account, then it's not a loan, and any amount may be charged, no matter what their intentions are.

Story

Why did the Philanthropist lose all his Money?

There was a philanthropist and בעל חסד who was a תלמיד of Rav Aharon Leib Steinman זצ"ל. He would regularly donate huge sums of money to כוללים and תלמידי חכמים. However, at some point he lost all his money. A Rosh Kollel to whom he had donated generously in the past, and who didn't know about his financial situation, approached him for a donation for his Kollel. He poured out all his anger and said to him, "This is my reward for supporting Torah all these years?! You always promised me that in the merit of the tzedakah that I gave, I would be secure with my assets, and now I have nothing left. I used to give a fifth of my earnings, and now I have nothing!" The Rosh Kollel kept calm and told him that the next day, he would go to Rav Steinman and ask him why the merit of his tzedakah didn't protect him. The Rosh Kollel kept his word, and when he went into the Rosh Yeshiva, he presented the question why the merit of this man's tzedakah didn't stand for him. Rav Steinman replied, "Tell him in my name that the reason he lost his money is nothing to do with what he gave to tzedakah, but because he made his money with deals that have a problem of ריבית." The Rosh Kollel was stunned and didn't know what to do with himself. How could he tell the gvir what Rav Steinman had said? He would surely be embarrassed. But he didn't have much choice, and when the gvir called to ask him what the Rosh Yeshiva had said, he repeated Rav Steinman's words. The man immediately started giving excuses, saying that it wasn't really ריבית, and it was only for a short amount of time, and there are many קולות... But the Rosh Kollel didn't have much to answer him. The next day, the gvir called again and asked him to go back to Rav Steinman to ask him what he should do to rectify the איסור that he transgressed. Rav Steinman answered that he should accept upon himself to learn הלכות ריבית and keep it properly, and to do something to benefit the public in raising awareness about הלכות ריבית. This would be his teshuva to correct what he had done wrong. (Kitzur Hilchos Ribis of Harav Pinchos Vind pg. 34-35) 

הופיע!

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