

# THE CALL CENTER for HILCHOS RIBBIS

UNDER THE AUSPICES OF HARAV PINCHOS VIND SHLITA



732 - 228 - 8558



סניף ליקוואוד וגלילותיה

הרה"ג פנחס וינד שליט"א

## Question & Answer

Shimon, a kitchen manager at a sleep away camp, realized on Shabbos morning that they forgot to cook up the eggs for the Shabbos day seuda. Realizing that many campers and families would not be pleased, he went to another camp down the road and asked if he could borrow one hundred cooked eggs which will be returned the next week. However, during the conversation Shimon became a little unsure about the situation, in regard to the Issur of ribbis. He remembered that one is only allowed to borrow an item on condition he returns the same type of item (סאה בסאה), if he has at least one such item in his possession or that it's easily available to purchase and the price doesn't keep on changing. However, since cooked eggs are not something readily available for purchase as stores do not regularly sell cooked eggs and the camp kitchen had only raw eggs in their possession, perhaps that's not considered as having the item in their possession and would be an issue of ribbis.

**Q.** Does the fact that the camp kitchen has only raw eggs in their possession constitute an issue of ribbis? Or since they could cook the raw eggs, it's considered as having the item in their possession at the time the loan took place, making it permitted to borrow the cooked eggs?

**A.** Shimon would be allowed to borrow the cooked eggs, even though the camp kitchen has only raw eggs at the time of the loan.

**Explanation.** The condition that the item needs to be easily available for purchase cannot be applied here since it's hard to find a store that sells cooked eggs. Nevertheless, the condition that the borrower needs to possess such an item at the time of the loan, **can** be applied here, although the eggs he has in his possession are not cooked. The reason for this is because, the raw eggs that they possess are only missing one task (i.e. cooking) in order to become "cooked eggs", and many authorities hold that if the item which is in one's possession is only missing one or two tasks in order to become like the item that was borrowed, it's still considered as if the item was in his possession at the time of the loan<sup>1</sup>. Furthermore, the fact the eggs were borrowed on Shabbos, a day that one is not permitted to cook, does not detract from it being considered as being in his possession. We don't find that part of the Heter of only missing one or two tasks is that it needs to be able to be done right away. Rather, as long as it can get done even at a later time, it's considered as if he has it in his possession. 

<sup>1</sup>This is different than a case of prepaying (פוסקין) for an item that he has in his possession that is missing only one or two jobs, as there everyone agrees that it's permitted ('נא' (תפירושה). However, here regarding lending בסאה בסאה there is a dispute whether missing one or two jobs is considered in his possession. Nevertheless, one can still be lenient as long as it's not missing more than two jobs.

ר' יעקב יצחק ג'קוב שליט"א

## Prepaying a worker to get a discount

Chaim had a crack on the sidewalk in front of his house and also had a few broken tiles on the floor in his kitchen, so he called a local handyman to get them fixed. When speaking to the handyman Chaim told him that he can come fix the sidewalk any time he wants, as it will always be available. However, the tiles in the kitchen can only be done between the hours of 9 and 11 in the morning since at that time the kitchen isn't being used. After hearing him out, the handyman gave him a separate price for each job, if paid at the completion of the work. However, he added that if Chaim prepay him for the jobs, he will get a five percent discount off the prices mentioned. Additionally, if he would rather not prepay and also have up to thirty days to pay after the completion of the work, there will be a two percent increase in the original price. Chaim respectfully responded that he thinks this may have some serious ribbis issues. However, the handyman replied that this is standard business practice and should not pose any ribbis issue.

**Q.** Who is correct? Chaim or the handyman? Can this arrangement pose any ribbis issues or not?

**A.** It depends which job he prepays for. Prepaying for the sidewalk in order to receive a discount would be permitted. However, prepaying for fixing the tiles to obtain a discount would be prohibited. Yet, charging more for paying thirty days later would be prohibited in both cases.

**Explanation.** In general, it's prohibited for one to prepay for an item to get a discount, since we view the prepayment as a loan and by receiving a discount in essence one is getting in return more than what he lent. This could also apply to prepaying a worker to get a discount on the price of his work; however, it would depend on certain factors. If part of the agreement is that the worker must work at a specific time, then it is prohibited. However, if they could choose to work when they want it's permissible. The reason for this is because a worker that can work at the time he chooses is halachically called a Kablan, and once he commits to work with the proper kinyan he cannot back out. Since the kinyan happens at the time of payment obligating the worker to commit to the job we don't view the prepayment as a loan, rather we view it as a purchase from the worker as an obligation to work. However, if the worker can only work at a specific hour, he is considered a Poel and no kinyan can obligate him to work and he can always back out. Consequently, there is no commitment at the time of payment, resulting in viewing the payment as a loan until the worker begins his work, therefore creating a ribbis issue if the work is worth more than the original payment. [It's important to note that the criteria of what makes someone a Poel or Kablan, regarding the laws of ribbis are different than the criteria needed regarding the laws of Shabbos, and one cannot compare one to another.]

However, regarding charging more for paying late, that's prohibited in all cases since at the time that the work is done, the worker is owed the money, and any additional payment for paying later would be ribbis. 



Did you know? If someone wants to purchase Canadian dollars in the U.S.A. by prepaying for it based on that day's rate, while only receiving it later on, it's ribis. Unless the seller has the WHOLE amount of Canadian dollars in his possession.

We would like to applaud R' Chaim Katz of **Katz Furniture** for making a Heter Iska for his business.

May he be זוכה to a lot of ברכה והצלחה in his business for years to come.

The following is a partial list of local business's which arranged a proper Heter Iska through בית או קו הריבית or בית הוראה לענייני ריבית של הרה"ג ר' פנחס וינד שליט"א

**Katz Furniture**  
**Pekelach Place**  
**Reich Jewelers**  
**Lakewood Sta"m**  
**לשכת סת"ם כהלכה**  
**מאורות הכתב**

Kav Ha' ribis is here to help! Did you know we can help you with researching a bank, or getting a genealogist report on almost any person to verify if he is Jewish or not, helping you verify any problematic ownerships? Just call the hotline at 732.228.8558

הגליון נדבה לזכות ולעילוי נשמת

ר' פנחס בן ר' דוד ז"ל  
 ר' דוד בן ר' פנחס ז"ל

ר' משה יצחק גרשון בן ר' אברהם יהודה  
 ז"ל (Jacobowitz) - יום היארצייט י"א סיון