

We require money, and it is present

ממונא בעינן והאיכא –

OVERVIEW¹

The גמרא queried; what is the rule if someone borrowed an item with the intention to derive less than a פרוטה benefit from it; is he considered a שואל or not. The reason he should be considered a שואל is because ממונא בעינן והאיכא. Our תוספות clarifies this side of the query.

פירוש² דממונא בעינן שישאל לו והאיכא ואית ליה נמי הנאה מיניה:

The explanation of 'ממונא בעינן והאיכא' is that there is a requirement that he lend him something that has monetary value, and that happened, and he also derives a benefit from it.

SUMMARY

There is reason to be considered a שואל if money is borrowed and some benefit is derived from the item (even less than a שו"פ).

THINKING IT OVER

What would be more likely to make one a שואל; deriving indirectly a benefit more than a שו"פ (ליראות בה), or deriving directly a benefit less than a שו"פ?

¹ See ('Overview' to) previous ד"ה ממונא דמיתהני תוס'.

² Tosfos may be negating the simple meaning that all that is required is that the משאל lend the שואל something of monetary value, for in the previous query שאלו ליראות בה, where he is lending him ממונא, nevertheless there may still be a requirement of דמיתהני בה; why therefore the need for our query. [Alternately why does not the גמרא query what is the rule if he borrowed the פרה with no intention of using it at all.] Rather we must say that in order to be a שואל he must benefit somehow; here he is deriving actual benefit from the animal directly (albeit less than a שו"פ). [The word 'והאיכא' may mean that (not only is there ממונא, but also) the שואל has actual benefit from the animal.]