

For partners

לשותפין –

Overview

גמרא taught in a ברייתא that there are three seasons in which to sell grain. The גמרא explained that this is relevant for partners. רש"י and תוספות have differing opinions as to what this means.¹

פירש רבינו חננאל ורבינו תם כי הא דאמר בריש המקבל (בבא מציעא דף קה, א) –

The ר"ה and the ר"ת explain this שותפין to mean as the גמרא states in the beginning of פרק המקבל -

הני בי תרי דעבוד עיסקא בהדי הדדי² [ורווח] ואמר ליה חד לחבריה תא ונפלוג -

There were these two who made a business deal with each other and they profited, so one said to his friend let us divide the profits -

ואמר ליה אידך נרויח טפי דינא הוא דמעכב -

And his friend responded we can make more profit; the rule is that the friend can prevent him from dividing the profit, and they continue to buy and sell -

והשתא עד זה הזמן יכולין לעכב ואז ימכרו ויחלוקו וכן לכל דבר יש זמן:

So now we say in a case where they were dealing with grain that until this time (one of the פרקים mentioned) either one can prevent other from dividing and stopping to deal, but then when one of these פרקים arrives, they must sell the grain and divide the profits (even if only one of them want it), and similarly for all goods there is a time when it needs to be sold.

Summary

The business deal must continue until the proper time comes (the פרקים).

Thinking it over

What are the relative advantages of פרש"י and פר"ח ור"ת?

¹ See לשותפין ד"ה that in these three times either partner can sell without consulting his partner, and will not be responsible for any loss even if the price rises later.

² The case there is where two people (workers) received goods from someone (the investor) with the understanding that they would sell it and buy other goods and sell it, and eventually they would divide the profits between the investor and the workers. See ד"ה הני בי תרי תוספות and רש"י.