



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Metzia Daf Nun Vuv

- The Gemara continues its conversation. The Gemara had just brought **R' Yosef**, who said that although **R' Meir** says the **Rabanan** were lenient with regard to the redemption of demai, they were stringent with regard to the eating of demai.
 - **Q: Ravina** asked, a Mishna says that if one buys bread from a baker who is an ahm haaretz (in which case anything bought from him is demai, and maaser must be separated), **R' Meir** says he may separate maaser from one loaf for another even if the loaves are of different shapes. Now, one is not allowed to separate maaser from one batch of demai for another, because it is possible that one batch in truth did not need maaser separated and the other did, which would mean that maaser was separated from a chiyuv to a petur, or visa-versa, which is assur to do. When the loaves are of different shapes, there is a concern that they came from different batches, and yet **R' Meir** is meikel, *even though* this is a case of *eating* demai!? **A: Abaye** answered by giving his thoughts on the entire back and forth of the Gemara since the Mishna. He said, **R' Elazar's** initial question was valid, because he asked that the Mishna was machmir regarding terumas maaser of demai, and even regular terumas maaser only carries a penalty of "misah bidei Shamayim" (which is not the most severe form of punishment). **Shmuel** did not answer him well, because he said the Mishna follows **R' Meir**, who we see is machmir regarding the halachos of get. That is not a good answer, because get carries the death penalty, and may be a reason why **R' Meir** is machmir there, even if he would not be machmir regarding demai. **R' Sheishes**, who then asked from a case of maaser sheini, did not ask well, because maaser sheini is a simple lav, which may be why **R' Meir** is lenient there. However, based on **R' Sheishes's** question, **R' Yosef** answered well, that it may be that **R' Meir** was meikel regarding redemption, but was machmir regarding eating of demai. Now, **Ravina's** question was not good one. Instead of asking from the case of the baker, he could have instead brought a proof to **R' Yosef** from another Mishna which says that **R' Meir** says, that one who buys from a wholesale bread seller must give maaser from each shaped bread separately. This shows that **R' Meir** is machmir with regard to the eating of demai. **Ravina** would say that the reason he did not bring a proof from there is that in that case we must assume that the wholesaler bought the bread from many different bakers, and that is why each shape (which presumably came from different bakers) must have maaser given from it separately. Based, on that logic, we can answer **Ravina's** question and say that the reason **R' Meir** allows taking maaser from one shaped loaf for another when they are bought from the same baker (as opposed to a wholesaler) is because we assume that he got all his merchandise from a single source, in which case we may give maaser from one loaf for the other, even if they are of different shapes.
 - **Rava** said, although **Abaye** felt that **Shmuel** didn't answer **R' Elazar** well, **Shmuel** actually did answer well. The fact that terumas maaser and get both are subject to *some sort* of death penalty, that is enough of a commonality for them to be compared.

MISHNA

- The following things are not subject to the laws of ona'ah: the sale of slaves, of promissory notes, of land, and of hekdesch. These items are also not subject to the paying of keifel if they are stolen, or to the paying of daled v'hey. Also, if these items are given to a shomer chinam, he would not have to swear that he was not negligent if something happened to the item. Also, a shomer sachar would not have to pay if he was given one of these items and it was stolen.

- **R' Shimon** says, items of hekdesch for which one is responsible, the laws of ona'ah do apply to them, and if he is not responsible there is no ona'ah.
- **R' Yehuda** says, also when one sells a Sefer Torah, an animal or a diamond, the laws of ona'ah don't apply. The **Chachomim** told him, only the previous list is not subject to ona'ah.

GEMARA

- **Q:** How do we know that these items are not subject to ona'ah? **A:** A Braisa says, the pasuk regarding ona'ah says "v'chi simkiru mimkar la'amisecha oy kano miyad amisecha", which teaches that it is referring to moveable objects. This excludes land from the laws of ona'ah, because land is not moveable, and excludes slaves, which are compared to land. It also excludes the sale of promissory notes, because the words "v'chi simkiru mimkar" teaches that the item itself is being sold, and documents are just a written proof to the underlying loan that is being sold (the paper is not the item being sold). Based on this, if someone sold a document for the paper – e.g. he sold it to be used for wrapping spices – it would be subject ona'ah. [The Gemara asks, this seems obvious!?! The Gemara answers, this comes to exclude **R' Kahana**, who says that ona'ah doesn't apply when the value of the ona'ah is only a perutah.] The Braisa continues, ona'ah doesn't apply to hekdesch, because the pasuk of ona'ah says "achiv", which comes to exclude items of hekdesch.
 - **Q: Rabbah bar Mamal** asked, the Braisa said that the word "miyad" refers only to a moveable item, because it refers to something that can be held in a hand. However, a pasuk regarding Sichon says "vayikach es kol artzo miyado", which can't mean that he held the land in his hand, and must mean he had it in his possession. If so, in the pasuk of ona'ah it can also mean "possession", and therefore include land as well!?! **A:** We find a Braisa regarding stealing that needs a drasha to teach that although the pasuk says "b'yado", it refers to anywhere in the possession of the ganav. This suggests, that if not for this drasha, the word "b'yado" would only mean in his actual hand! A Braisa regarding get also uses a drasha to teach that although the pasuk says "b'yada", the get may be put anywhere in her possession. Again, we see that if not for this drasha, the word "b'yada" would only mean in her actual hand! We see that the use of the word "hand" refers to an actual hand. In the case of the pasuk of Sichon, it is impossible to understand it literally, and therefore, it must mean "possession".
- **Q: R' Zeira** asked, is the rental of items subject to ona'ah? Maybe the pasuk's use of the word "mimkar" teaches that it must be a sale, or maybe we should not understand it in this way? **A:** **Abaye** said, the pasuk doesn't say it must be a permanent sale, rather that it is a sale. A rental is also a "sale" for the term of the rental period.
- **Q: Rava** asked, what is the halacha if someone had wheat seeds and planted them in the ground, and sold them before they took root? Would they be subject to ona'ah? Maybe we view them as if they are moveable items thrown into a keili, and they are therefore subject to ona'ah, or maybe we say the seeds become batel to the ground and are not subject to ona'ah?
 - **Q:** What is the case? It can't be that the case is where the seller told the buyer that he put 6 se'ah of seeds into the field and in fact he had only put 5, because **Rava** has said that anything that is sold when measured, weighed, or counted may be returned if misrepresented, even if the amount is less than 1/6!?! **A:** The case must be that the seller told the buyer that he put in an amount of seeds that the field needs to produce a proper yield, when in fact, we find out that he put in less. The question is, is there ona'ah in that case or not? Do we view them as if they are moveable items thrown into a keili, and they are therefore subject to ona'ah, or maybe we say the seeds become batel to the ground and are not subject to ona'ah?
 - **Q:** Would one have to swear regarding these seeds which have not yet taken root, or not? Do we view them as if they are moveable items thrown into a keili, and they are therefore subject to an oath, or maybe we say the seeds become batel to the ground and are not subject to an oath?
 - **Q:** The bringing of the Omer allowed the eating of all the new grain. Does the Omer permit these seeds as well?
 - **Q:** What is the case? If it is talking about where it rooted before the Omer was brought, a Mishna already teaches that the Omer permits eating this grain!?! If

the case is that it did not yet root, the Mishna teaches that the Omer does not permit it (and it does not become mutar until the Omer of the following year)!

A: The case must be where the seller harvested grain kernels (which can be eaten or used for planting) and planted them in the ground before the Omer was brought, and the Omer was brought before they took root. The question is, can the kernels be taken out of the ground and eaten based on the Omer that was brought, or not? Do we view them as if they are moveable items thrown into a keili, and they therefore become mutar based on the Omer that was brought, or maybe we say the seeds become batel to the ground and do not become mutar based on the Omer? To that, the Gemara leaves with a **TEIKU**.