



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

Bava Metzia Daf Nun Zayin

- **Rava in the name of R' Chisda** said, **R' Ami** asked, with regard to the items listed in the Mishna to which ona'ah does not apply, what if the amount of the overcharge was for more than 1/6 – would the deceived party be allowed to back out of the deal? **R' Nachman** said that **R' Chasa** later said that **R' Ami** decided that although these items are not subject to ona'ah, they are subject to the laws if the amount of the overcharge was for more than 1/6.
 - **R' Yonah and R' Yirmiya** both said that **R' Yochanan** said that although there is no law of ona'ah, there is the law of more than 1/6, however **R' Yona** said that this was said regarding hekdesch and **R' Yirmiya** said it was said regarding land.
 - **R' Yona** would certainly agree that it was said regarding land as well. **R' Yirmiya** would say that it applies to land, but with regard to hekdesch it would not apply, as **Shmuel** has said, that if someone redeems a maneh's worth of hekdesch onto a perutah, it is considered to be redeemed.
 - **Q:** A Mishna says, if an animal of hekdesch got a mum and was redeemed onto a cheaper animal, the kedusha of the first animal has been removed, but the redeemer must make up the shortfall of the value to hekdesch. On this Mishna **R' Yochanan** said that the kedusha is removed D'Oraisa, and he must pay the difference only D'Rabanan, whereas **Reish Lakish** says that he must pay the difference even D'Oraisa. Now, what is the case being discussed? If hekdesch was "underpaid" by exactly 1/6, **Reish Lakish** wouldn't say the difference has to be paid D'Oraisa, because our Mishna said there is no ona'ah when dealing with hekdesch!? Rather, it must be that the case is where it was more than 1/6. If so, according to **R' Yona**, he says that **R' Yochanan** holds that for an amount above 1/6 the transaction could be voided, even when dealing with hekdesch, so how could **R' Yochanan** have said that D'Oraisa the redemption is valid!? **A:** The case is where the difference is more than 1/6, and we must reverse the shitos of **R' Yochanan and Reish Lakish**.
 - **Q:** What is the point of machlokes between **R' Yochanan and Reish Lakish**? **A:** They argue in the halacha of **Shmuel**, who says that if someone redeems a maneh's worth of hekdesch onto a perutah, it is considered to be redeemed. **A2:** They both hold of **Shmuel**, but they argue in whether one may do so l'chatchila, or only b'di'eved.
 - **A:** We can also say that the case of the machlokes is where the second animal was worth exactly 1/6 less than the first, and we do not need to reverse the shitos. The machlokes is whether they hold like **R' Chisda**, who says that when the Mishna says there is no ona'ah when dealing with hekdesch, it means that there is no ona'ah, but rather the rules are *stricter* than the rules of ona'ah, and even if it is less than 1/6 the transaction can be cancelled.
 - **Q:** A Braisa says, the halachos of ribis and ona'ah apply to dealings with private people, but not to dealings with hekdesch. This refutes **R' Chisda**!? **A:** The same way we explained the Mishna to mean that they are not subject to ona'ah, rather they are subject to stricter rules, we would explain the Braisa in the same way!
 - **Q:** The Braisa ends off by saying that this is a chumra of a private person over hekdesch. This clearly means that hekdesch is not treated more stringently than ona'ah!? **A:** That statement was made regarding ribis, not ona'ah.

- **Q:** Based on **R' Chisda**, the Braisa should say that hekdesh is more stringent than a private person regarding the concept of ona'ah!? **A:** The Braisa gives the chumra of a private person over hekdesh, because that is a rare occurrence. The Braisa will not name a chumra of hekdesh over a private person, because that would be only one item of a long list.
- **Q:** What is the case of ribis with hekdesh? It can't be that the gizbar lent money to a private individual and charged interest, because by lending to a private individual, the gizbar has committed me'ilah, which causes the money to lose its kedusha, and becomes a case of an individual lending with ribis!? **A: R' Hoshaya** said, the case would be where someone agreed to supply flour to hekdesh for 4 se'ah per selah, and the price then increased to 3 se'ah per selah, in which case the person must continue to provide it for 4 se'ah per selah. Although a private person could not make this transaction (because it seems like ribis), hekdesh can. **A2: R' Pappa** said, the case would be where someone gave stones to the gizbar to hold for him until they would be used for the Beis Hamikdash complex, in which case he doesn't make them hekdesh until they are being put into the structure. If, before this time the gizbar lent the stones to a private individual, he may do so with ribis.

EIN BAHEN TASHLUMEI KEIFEL

- **Q:** How do we know this? **A:** A Braisa says, the pasuk regarding keifel says "ahl kol dvar pesha", which is a klal, "ahl shor ahl chamor ahl seh ahl salma" is a prat, "ahl kol aveidah" is another klal. We have a klal, prat, uklal, which teaches to include items like the prat. Just as the prat are moveable items that have intrinsic value, so too all items that are moveable and have intrinsic value are subject to keifel payment. This excludes land, which is not moveable, it excludes servants, which are compared in the pasuk to land, and excludes documents, which have no intrinsic value. The pasuk also says that keifel is paid "l'rei'eihu", which therefore also excludes hekdesh from being paid keifel.

V'LO TASHLUMEI DALED V'HEY

- **Q:** Why is this so? **A:** Keifel is one payment of the 4 or 5 times payment. Since there is no keifel paid, there can't be daled v'hey either, because it would be 3 or 4 times, not 4 or 5 times.

SHOMER CHINAM EINO NISHBA

- **Q:** How do we know this? **A:** A Braisa says, the pasuk regarding a shomer chinam says "ki yitein ish ehl rei'eihu", which is a klal, "kesef oy keilim" is a prat, "lishmor" is another klal. We have a klal, prat, uklal, which teaches to include items like the prat. Just as the prat are moveable items that have intrinsic value, so too all items that are moveable and have intrinsic value are subject to a shomer chinam having to swear regarding them. This excludes land, which is not moveable, it excludes servants, which are compared in the pasuk to land, and excludes documents, which have no intrinsic value. The pasuk also says "rei'eihu", which therefore also excludes hekdesh from being included in the halacha of making the shomer chinam swear.

NOSEI SACHAR EINO MISHALEM

- **Q:** How do we know this? **A:** A Braisa says, the pasuk regarding a shomer sachar says "ki yitein ish ehl rei'eihu", which is a klal, "chamor oy shor oy seh" is a prat, "v'chol beheimah lishmor" is another klal. We have a klal, prat, uklal, which teaches to include items like the prat. Just as the prat are moveable items that have intrinsic value, so too all items that are moveable and have intrinsic value are subject to a shomer sachar having to pay if the item is stolen or lost. This excludes land, which is not moveable, it excludes servants, which are compared in the pasuk to land, and excludes documents, which have no intrinsic value. The pasuk also says "rei'eihu", which therefore also excludes hekdesh from being included in the halacha of making the shomer sachar pay if the item is stolen or lost.