



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

Bava Metzia Daf Nun Ches

SHOMER CHINAM EINO NISHBA...

- **Q:** A Mishna says, if people of a city sent their machtzis hashekels with a shaliach (who is treated as a shomer), and the coins were lost or stolen, then if hekdesch had begun using coins on their behalf (by using other coins with the intent that these people be included), the shaliach would have to swear to the gizbar (that he was not negligent), and if hekdesch did not yet use coins with these people in mind, the shaliach must swear to the people that had sent him and they would then have to send new coins. We see from here that a shomer chinam *does* have to swear when he was watching property of hekdesch!? **A: Shmuel** said, the shaliach here was paid, and as such became a shomer sachar, and he is swearing to collect his fee (he swears that it is not in his reshus).
 - **Q:** If he is swearing to collect his fee, why does the Mishna say that he swears to the gizbar!? It is the people who sent him who must pay him!? **A: Rabbah** said, the Mishna means that he swears to the people that sent him, but in the presence of the gizbar. This is done so that the gizbar not suspect the shaliach of having stolen the money himself, or so that people not call this shaliach a negligent person.
 - **Q:** The Mishna says the coins were lost or stolen, for which a shomer sachar is normally chayuv. Even if we say that he is patur here because it is hekdesch, he still shouldn't be deserving of his fee!? **A: Rabbah** said, the Mishna means it was stolen by armed robbers (which makes him an oneis) or was lost when a ship sank at sea (which is also an oneis). Therefore, these are cases in which a shomer sachar would not have to pay.
 - **A: R' Yochanan** said, this Mishna does argue with our Mishna, because it follows the view of **R' Shimon**, who says that when one is responsible for the hekdesch, a shomer would have to swear regarding that item of hekdesch.
 - **Q:** That makes sense in the second case of the Mishna, where the people would be chayuv to send new coins. However, in the first case of the Mishna, where the people do not have to send new coins, even **R' Shimon** should say that he does not have to swear!? **A: R' Elazar** said, the Mishna does not argue with our Mishna, and both agree that a person does not swear regarding an item of hekdesch. The oath in that Mishna is a Rabbinic oath, instituted so that people not treat the property of hekdesch trivially.

NOSEI SACHAR EINO MESHALEM

- **Q: R' Yosef bar Chama** asked **Rabbah**, the Mishna said that a shomer sachar does not pay for hekdesch that was lost or stolen. However, a Braisa says, if hekdesch hired a shomer to guard the parah adumah from becoming passul, or to guard a child from becoming tamei, or to guard the grain for the Omer, he is not paid for Shabbos, and therefore, if anything happens on Shabbos he is not responsible. However, if he was hired for the week, for the month, for the year, or for the shmitta cycle, he is paid for Shabbos and is therefore responsible for anything that may happen on Shabbos. Presumably, this means he is responsible to pay if there is a loss. This contradicts our Mishna!? **A:** It means he would lose his wages, but not that he would be responsible to pay for a loss.
 - **Q: R' Yosef bar Chama** asked, that would mean that the first part of the Mishna means to say that if something happens on Shabbos he would not get paid for Shabbos. Now, that can't be right, because the Mishna clearly says that he does not get paid for Shabbos!? **A: Rabbah** did not know what to answer, and asked **R' Yosef bar Chama** whether he knew of an answer. He said, **R' Sheishes** has said that the case is that this shomer made a kinyan to obligate himself to pay for any loss (even though he would otherwise not be chayuy). **R' Yochanan** gave the same answer.

R' SHIMON OMER KODOSHIM SHECHAYUV B'ACHRAYUSAN...

- A Braisa was taught in front of **R' Yitzchak bar Abba**, that said, if a shomer swears falsely about kodashim for which the owner is responsible, we learn from the pasuk of "baHashem v'kichesh" (which seems to teach that it belongs to Hashem) that the shomer would be chayuv to bring an asham, and if he swore about kodashim for which the owner is not responsible, he would not be chayuv to bring an asham, based on the pasuk of "ba'amiso v'kichesh" (which seems to teach that it belongs to the owner). **R' Yitzchak bar Abba** asked, that seems to be illogical!? The opposite would make more sense!? Rather, we must explain the Braisa to be saying that if he swore falsely about kodashim for which the owner is responsible he *would* be chayuv to bring an asham based on an inclusion learned from the words of "baHashem v'kichesh", and if he did so about kodashim for which the owner is not responsible, he would be patur, based on an exclusion from the words of "ba'amiso v'kichesh".

R' YEHUDA OMER AHF HAMOCHER SEFER TORAH...

- A Braisa says, **R' Yehuda** says, one who sells a Sefer Torah is not subject to ona'ah, because there is no limit to the value of a Sefer Torah. The sale of an animal or diamond is also not subject to ona'ah, because a person buys these items to match items that he already has (and it is therefore worth more to him than the market price). The **Rabanan** said to him, based on that logic, every item should not be subject to ona'ah, because people want items that match.
 - **R' Yehuda** would say that is true, but when it comes to matching an animal or a diamond, people would be willing to overpay for that.
 - **Q:** How much would someone be willing to overpay for a matching item? **A: Ameimar** said, up to double its value.
- A Braisa says, **R' Yehuda ben Beseira** says, also someone who sells a horse, or a sword, or a shield during a war is not subject to ona'ah, because the buyer needs this to protect his life.

MISHNA

- Just as there is the concept of ona'ah in financial dealings, there is also a concept of ona'ah with words. A person should not ask a seller "how much is that item" if he has no intention of buying it. If someone is a baal teshuva, a person should not say to him "remember your past deeds". If someone is a ger, a person should not say to him "remember the deeds of your ancestors". This is learned from the pasuk that says "v'ger lo soneh v'lo silchatzenu".

GEMARA

- A Braisa says, the pasuk of "lo sonu ish es amiso" refers to ona'ah of words. Maybe it refers to financial ona'ah? The other pasuk that says "v'chi simkiru..." refers to financial ona'ah, so the pasuk of "v'lo sonu" must refer to ona'ah of words. For example, if someone is a baal teshuva, a person should not say to him "remember your past deeds". If someone is a ger, a person should not say to him "remember the deeds of your ancestors". If a ger comes to learn Torah a person should not say to him "a mouth that ate assur foods is now coming to learn the Torah which was given to us by Hashem?" If someone suffered or had illness or had buried children in his lifetime, a person should not say to him like lyuv's friends said to him, that this amount of suffering must surely have come due to sin. If a donkey driver was looking for merchandise to transport, he should not tell him "go to so-and-so ,who sells grain", when he in fact knows that that person does not sell grain, and will not have merchandise that he needs to be transported. **R' Yehuda** says, a person should also not even look at merchandise when he does not have the money to buy it. The Braisa continues, saying things like this can be construed as being said innocently, and therefore it is in the person's heart to know whether he has said something wrong or not. Regarding anything that is given over to someone's heart in this way, the pasuk says "v'yareisa mei'Elokecha".
- **R' Yochanan in the name of R' Shimon ben Yochai** said, ona'ah of words is worse than ona'ah of money, because only regarding ona'ah of words is it written "v'yareisa mei'Elokecha". **R' Elazar** said, ona'ah of words is worse, because it effects the person himself, whereas ona'ah of money only effects the person's money. **R' Shmuel bar Nachmeini** said, ona'ah of words is worse, because it can never be reversed, whereas ona'ah of money can simply be returned.
- A Braisa was taught in front of **R' Nachman bar Yitzchak** that said, someone who embarrasses another in public is as if he killed him. **R' Nachman bar Yitzchak** said, that is correct, as we see

that the embarrassed person loses the red color in his face and turns white (his blood is taken from him).

- **Abaye** asked **R' Dimi** “what are the people in EY careful about”? **R' Dimi** answered, they are careful not to embarrass people, for **R' Chanina** said, all people who go to Gehenom eventually come out, except for 3 people – someone who is mezaneh with a married woman, someone who embarrasses another in public, and someone who calls another by an embarrassing nickname.
 - **Q:** The last 2 seem to be the same!? **A:** Even if the person is used to being called by the name and doesn't get embarrassed anymore, still it is a terrible aveirah to call him by that name.
- **Rabbah bar bar Chana in the name of R' Yochanan** said, it is better for a person to be mezaneh with a woman who may be married to another man rather than to embarrass someone in public. This is seen from the drasha of **Rava** on a pasuk in Tehillim, which he explains to mean that the people would come to Dovid Hamelech and embarrass him by asking him “what form of death do we use on someone who was mezaneh with a married woman” (referring to Dovid's story with Batsheva). Dovid answered, “such a person gets chenek, but is allowed into Olam Habah, whereas a person who embarrasses another in public is not allowed into Olam Habah!”
- **Mar Zutra bar Tuvia in the name of Rav** said (others quote this in the name of others), it is better for a person to throw himself into a burning fire, rather than to embarrass another person in public. We learn this from Tamar (who was ready to allow herself to be killed with sreifah rather than to embarrass Yehuda).