



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

Bava Basra Daf Pey Ches

- We learned above that **Shmuel** said, if someone takes a keili from a craftsman to examine it for possible purchase, and through an oneis he damages the keili, he is chayuv. The Gemara now says, this only applies if the price for the keili was set.
 - There was a person who went into a butcher shop and picked up a piece of meat, to consider buying it. A man on a horse came by and grabbed it. **R' Yeimar** said the customer was chayuv to pay the butcher for the meat. The Gemara says, this only applies if the price was set.
 - There was a person who brought gourds to Pum Nahara. A bunch of people came and started taking gourds. He didn't know who took and felt he was at risk for not getting paid, so he yelled out, "I hereby make the gourds hekdesch". **R' Kahana** said, a person can't be makdish something that he doesn't own, so this giving to hekdesch was ineffective. The Gemara says, this is only if the price was fixed. However, if the price was not fixed, it would continue to be in the seller's possession and it would therefore be an effective giving to hekdesch.
- A Braisa says, if someone was buying vegetables from an ahm haaretz, and picked the nice ones and put them to the side, even if he did so all day long, he is not koneh them and therefore is not chayuv to give maaser from them. If he made up his mind to buy them, he would be koneh them and would therefore be chayuv to give maaser from them. This would pose a problem, because he cannot now decide to give them back to the ahm haaretz without first separating maaser, but he also can't separate maaser and then return the vegetables, because he would be returning less than he took. Therefore, he must separate the maaser and pay the ahm haaretz for the amount that he took as maaser.
 - **Q:** Just because he made up his mind to buy the vegetables it makes him be koneh and chayuv in maaser? **A:** **R' Hoshaya** said, the Braisa is discussing a person who possesses exceptional yiras Shamayim, as was **R' Safra**, who is careful to stay true even to his thoughts.

MISHNA

- A wholesaler must wipe his measures once every 30 days (he sells a lot of oil and wine and the residue from the many measures builds up and diminishes the measures that are measured in the keili). A regular person who sells (not a wholesaler or storekeeper) only needs to clean off his measures once every 12 months. **R' Shimon ben Gamliel** says that the reverse is true (since the wholesaler does many sales, the residue never has a chance to build up and solidify). A storekeeper must wipe clean his measures twice a week, and wipe off his weights once a week, and wipe his scales before each time that he weighs. **R' Shimon ben Gamliel** says, this is only applies for measures and scales used for wet items, but for dry items this would not be necessary.
- The seller is chayuv to tilt the scale a tefach in favor of the buyer. If he was measuring an exact and equal balance, he would have to give extra instead of tilting the scale – an amount of one to ten in the case of wet items, and one to twenty in the case of dry items.
- In a place where the custom is to measure with a small measuring keili, the seller should not measure with a large one (doing so would mean less tilting is needed and would disadvantage the buyer), and where the custom is to measure with a large keili, they should not use a small one (this would disadvantage the seller). If the custom is to level the measure, he should not put in a heaping measure, and if the custom is to give a heaping measure, he should not give a level measure.

GEMARA

- **Q:** How do we know that one is chayuv to tilt the measure a tefach for the benefit of the buyer?
A: Reish Lakish said, the pasuk says “even shleimah *vatzedek*” – the extra word (*vatzedek*) teaches that the seller must give the buyer a little extra.
 - **Q:** If this is a D’Oraisa obligation, how could the Mishna then say “if he was measuring an exact and equal balance, he would have to give extra instead of tilting the scale”? How is it possible that someone is allowed to not tilt the scale if it is D’Oraisa!? **A:** Rather, the first case is where there is a custom to tilt the scale, and **Reish Lakish** was giving the source that extra product must be given where there is no custom to tilt.
- **Q:** How much extra must be given when the seller does not tilt the scale? **A: R’ Abba bar Mamal in the name of Rav** said, it is one tenth of a litra when buying 10 litras (i.e. 1%).

ECHAD LA’ASARA B’LACH V’ECHAD L’ESRIM B’YAVEISH...

- **Q:** Does the Mishna mean that for solids the extra amount must be one twentieth of a litra for 20 litras (0.25%) or does it mean one tenth of a litra for 20 litras (0.5%)? **TEIKU.**
- **R’ Levi** said, the pasuk teaches that the punishment for using false measures is more severe than the punishment for giluy arayos.
 - **Q:** Arayos is subject to karos and using false measures is not, so in what way is the punishment more severe? **A:** One can do teshuva for arayos, but cannot do teshuva for having false measures (he cheats many people and therefore cannot go and repay each person for what he stole from them).
- **R’ Levi** said, we learn from the pesukim that stealing from a person is more severe than stealing from Hashem.
- **R’ Levi** said, come and see that Hashem treats us so differently than any person treats us. When Hashem blessed us the pasuk says “ihm bichukosai...komimiyus”, which begins with an “aleph” and ends with a “taf”, to symbolize that Hashem is giving us all the brachos (encompassed by the entire aleph beis), and when Hashem cursed, He only did so with 8 letters, as the pesukim say “v’ihm bichukosai timasu...ga’ala nafsham”, which begins with a “vuv” and ends with a “mem” (which is 8 letters away). However, Moshe Rabbeinu blessed us with 8 letters, as the pesukim say, “v’haya ihm shamo’ah tishma...l’avdam” (from vuv to mem) and cursed with 22 letters, as the pesukim say, “v’haya ihm lo sishma...v’ein koneh” (it starts with a vuv and ends with a hey, symbolizing a full cycle of the aleph beis).