

Bava Basra – Simanim

Daf 88 – דף פח

פרק ה – המוכר את הספינה

הנוטל כלי מן האומן לבקרו ונאנס בידו 1.

Shmuel said: – and a mishap occurred to it while it was in his possession, אומן לבקרו – he is liable. Although he can return it, it is his responsibility until then, since he lifted it with the intent to purchase it. The Gemara says this is only אופיע – where its price was set, so he can keep it if he decides to purchase it [the Rashbam adds that the item is in high demand]. Two stories are related which reflect this ruling. A Baraisa teaches that one buying vegetables from an *am haaretz* is not required to separate *maaser* from those he merely set aside. אמר בלבו לקנותו – but if he decided to purchase them, he acquires them and is obligated in *maaser*. He cannot return them without separating *maaser*, nor can he remove it (which decreases their value). Instead, he must separate *maaser* and reimburse the seller. Although he can technically return it, and should be exempt from *maaser*, the case is with a "נדובר אמת בלבבו" – and he speaks truth in his heart and commits himself to his decision to purchase. If he does return it, it is like selling it back to the seller.

2. Cleaning weights and measures, and the requirement to give a buyer extra

The next Mishnah details how often measures must be cleaned from residue by wholesalers, homeowners, and storekeepers, as well as weights and scales. It continues: חחייב להכריע לו טפח – *and he must tilt* the scale *for* [the buyer's] benefit by *a tefach*, where this is the practice. דיה שוקל לו עין בעין – *and he must tilt* the scale *for* [the buyer's] benefit by *a tefach*, where this is the practice. *he was weighing for him evenly* (i.e., where there is no custom to tilt the scale), *i unit – he must give him* the surplus amount in place of *the tilt*, which is one to ten for moist items, and one to twenty for dry items. The Mishnah concludes with the required practices for using measuring cups. Reish Lakish says the source for giving a buyer extra is: "וצדק" – "you should have a perfect *and just* weight," teaching: צדק *act justly from your own* possessions *and give* [the buyer] extra. Rav clarified that the Mishnah's "one to ten" ratio means one-tenth of a *litra* per ten *litras*, totaling one-hundredth.

קשה עונשן של מדות יותר מעונשן של עריות .3

Rebbe Levi said: אלה" regarding false weights. The Gemara demonstrates that "אלה" is an expression of severet han for illicit relations, because the Torah wrote "אל" (*"these"* abominations) regarding severity, so the longer "אלה" connotes greater severity. Although עריות are punishable by כרת (and false measures are not), an עריות מול היו *וו is not possible to repent* from, but regarding false measures, אפשר בתשובה *- ti is not possible to repent* from, but regarding false measures. אלה *- it is not possible to repent* completely, since he may not know whom he cheated. Rebbe Levi said: רערות מגזל גבוה *- הקשה גזל הדיוט יותר מגזל גבוה - הקדים חטא למעילה severe than stealing from hekdesh*, because regarding the former, הקדים חטא למעילה *- הקדים חטא למעילה sin before* mentioning his *treachery* (because his sin begins as soon as he denies possessing someone's item), but regarding the latter, his treachery is mentioned before his sin (because there is no sin until he uses it).

Siman – Garbage Can

The garbage man who accidentally dropped and dented a garbage can when he picked it up to examine it to purchase it, was waiting to tell the shopkeeper who was busy tilting a scale for the buyer's benefit, under a sign that said: קשה עונשן של מדות יותר מעונשין של עריות.

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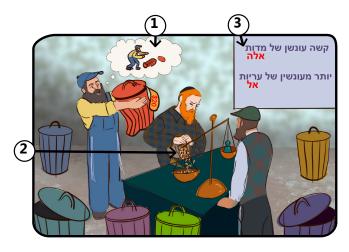
מסכת בבא בתרא



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