

Bava Basra – Simanim

דף פט – Daf 89

פרק ה – המוכר את הספינה

1. teaches not to deviate from measuring practices even without cheating

The Mishnah on Daf 88b taught that where it is customary to level a measure, one may not heap a measure, and vice versa. A Baraisa states: מנין שאין מוחקין במקום שגודשין – *from where do we derive that one may not level the measure in a place where they heap it* (even where the buyer agrees to receive less), ואין גודשין במקום שמוחקין – *nor heap it in a place where they level it* (even where the seller agrees to give more)? The *passuk* says: איפה שלמה – *a perfect measure*, implying that fraud may not result from one's measure. Someone may infer from their action that this is the local custom, which will lead to actual deceit. The Baraisa continues that even if the seller said, "I will level the measure in a place where they usually heap it, but I will reduce the price" (or the reverse), this is also forbidden, because the *passuk* says: איפה שלמה וצדק יהיה לך – *a perfect and just measure you shall have*, teaching to avoid even an unlikely possibility of resulting fraud. Here, someone may not realize that the price was adjusted. The same *derashos* are made regarding the practices to tilt or balance a scale.

2. One's money depends on his honesty with measures

Rav Yehudah of Sura *darshened*: לא יהיה לך בביתך – the *passuk* says "you will not have in your house," meaning you will not have money. מה טעם – *Why?* משום איפה ואיפה – *Because you used a measure and a measure*, i.e., a large one for buying and a small one for selling. Similarly, the *passuk* says: לא יהיה לך – *you will not have in your pouch*, meaning money. מה טעם – *Why?* משום אבן ואבן – *because you used a weight and a weight*, i.e., different sizes for buying and selling. He *darshens* the *passuk's* conclusion: אבל אבן שלמה וצדק יהיה לך – *But if you keep "a perfect and just weight," you will have (money)*, and if you will keep "a perfect and just measure," you will have (money).

3. Fraudulent measuring practices: אומר אוי לי אם לא אומר

A Baraisa teaches that one cannot make a level with one wide side and one narrow side, because he can use the wide end (which does not level as deeply) when selling, and the narrow side when buying. לא רע למוכר ויפה – *One may not level the entire measure at once* quickly, because this is *bad for the seller and good for the buyer*, nor should he level in small amounts, which is bad for the buyer. Rather, he should level once slowly, or in two sweeps. Regarding all these practices, Rabban Yochanan ben Zakkai said: אומר אוי לי אם – *Woe is me if I speak* about these forbidden practices, and לא אומר – *and woe is me if I do not speak* about them. If I do, *perhaps the deceivers will learn* how to cheat. If I do not, perhaps the deceivers will say: אין תלמידי חכמים בקיאין במעשה ידינו – *"The talmidei chochomim are not familiar with our activities,"* and increase their activities. Ultimately, he did speak about them, based on the *passuk*: כי ישרים דרכי ה' – *for Hashem's way are straight*, וצדיקים ילכו בהם ופושעים יכשלו בהם – *and the righteous walk in them, and the wicked stumble in them*. Thus, it is worth teaching the righteous how to avoid cheating, although the wicked may take advantage of the information.

Siman – Pot

The seller who always **made sure to measure with his pot to remember not to level in a place where they heap**, watched his competitor **go poor from cheating people using different measures**, who refused to listen to **the Rabbi who spoke in the town square about forbidden sales practices**.



The seller who always made sure to measure with his איפה שלימה pot to remember not to level in a place where they heap, watched his competitor go poor from cheating people using different measures, who refused to listen to the Rabbi who spoke in the town square about forbidden sales practices.

3 things to remember

1. איפה שלימה teaches not to deviate from measuring practices even without cheating
2. One's money depends on his honesty with measures
3. Fraudulent measuring practices: אוי לי אם אומר אוי לי אם לא אומר

