

Bava Basra - Simanim

דף פט – 89 Daf

פרק ה – המוכר את הספינה

1. איפה שלימה 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 or 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. משום איפה – Why? משום איפה – 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. בכיס – "you will not have in your pouch," meaning money. 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 – But if you keep "a perfect and just weight," – you will have (money). איפה שלמה וצדק יהיה לך – and if you will keep "a perfect and just measure," you will have (money).

3. Fraudulent measuring practices: אוי לי אם 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 לא חווי של חווי - One may not level the entire measure at once quickly, because this is רע למוכר ויפה - One may not level the entire measure at once quickly, because this is א חווי - Dad 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: אוי לי אם אומר - Woe is me if I speak about these forbidden practices, אומר - אוי לי אם אומר - and woe is me if I do not speak about them. If I do, אומר - שמא ילמדו הרמאין, הווי בישה ידינו וצדיקים בקיאין במעשה ידינו say: שרים דרכי ה' The talmidei chochomim are not familiar with our activities," and increase their activities. Ultimately, he did speak about them, based on the passuk: אין דיקים אוערים דרכי ה' שרים דרכי ה' - for Hashem's way are straight, וצדיקים - 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 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.

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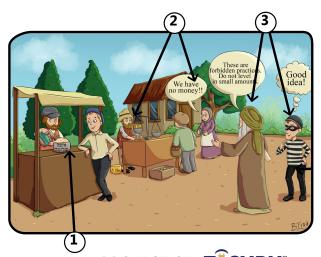
Pot



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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 אומר אוי לי



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