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Bava Metzia Daf 47

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Not Caring About the Value***

Rabbah says in the name of Rav Huna: If someone says to his friend, “Sell me what is in your hand for the money that I am holding,” he has acquired the item, but there is a law of *ona’ah* (price fraud). He acquires the item even before he pulls it for the following reason. Being that he did not mind what exactly the item was, it is like they did a *kinyan chalifin*. However, there is *ona’ah*, as he said, “Sell it to me with these monies,” implying it still has the law of a sale.

Rabbi Abba says in the name of Rav Huna: In such a case, he acquires it (as stated above), but the laws of *ona’ah* do not apply.

The *Gemora* continues: It is obvious that if he merely gave him money or an object for whatever was in his hand and didn’t care what he received, the acquisition is valid, as it is like *chalifin*. However, if he switches items with him and does care about the value, what is the law? [*Rashi explains the question as do we look at these as objects, and when one of them pulls the object, the other automatically acquires his object? Or do we look at both objects as money because they care about the value, and the deal is therefore only concluded when both of them take their respective items?*]

Rav Adda bar Ahava says: We can answer this question from a *braisa*. The *braisa* states: Someone was standing with his cow in the market, and another person approached and asked what he wanted in exchange for his cow. He answered that he wanted a donkey. The other person said he had a donkey for sale. He asked the man how much he wanted for his cow, and received a reply. The other man asked how much he wanted for his donkey, and received a reply. If the

owner of the donkey started pulling the cow (to acquire it), and the donkey dropped dead before the owner of the cow could pull it, the owner of the donkey has not acquired the cow. This clearly implies that if an exchange of *chalifin* is done when the owners clearly care about the value, the exchange is invalid if only one animal was pulled.

Rava asked: Is the Torah dealing with fools who don’t care what type of exchange they are making when it introduced the concept of *chalifin*? Rather, every *chalifin* people care about the value, and they acquire anyway. The *braisa* is discussing a case where the donkey was being exchanged for a cow and a sheep, and only the cow was pulled before the donkey died. This pulling is not considered complete, and therefore does not complete the deal.

It was stated above: If someone says to his friend, “Sell me what is in your hand for the money that I am holding,” he has acquired the item, but there is a law of *ona’ah*.

The *Gemora* asks: Does this mean that Rav Huna holds that a coin can be used as *chalifin*?

The *Gemora* answers: No. Rav Huna holds like Rabbi Yochanan who says that according to Torah law, money acquires. Why did the *Chachamim* say that pulling acquires? This is a decree lest the seller (of the wheat) say, “Your wheat have been burned in the attic (see 46b).” The *Chachamim* only made this decree regarding a normal sale, not an irregular type of sale (such as an exchange).

Mar Huna the son of Rav Nachman said to Rav Ashi: Are you unsure regarding the position of Rav Huna? We have a clear



understanding that Rav Huna holds that a coin cannot be used as *chalifin*. (46b – 47a)

### **Whose Vessel Is Used?**

The *Gemora* asks: Whose vessel is used for the acquisition? Rav says: The vessel of the buyer is used. The one who is acquiring the object wants the one selling the object to acquire his vessel, in order to show that he is willingly finalizing the acquisition. Levi says: The vessel of the seller is used, as will be explained later.

Rav Huna from Diskarta said to Rava: According to Levi who says the vessel of the seller is used, the buyer is acquiring land because he pulled the seller's handkerchief. If so, this means that property for which one is liable (*to replace if it had a lien*) is being acquired due to the acquisition of property for which one is not liable. We learned the opposite in a *Mishna*! The *Mishna* states: Property for which one is not liable can be acquired when acquiring property for which one is liable (*but not the other way around*).

Rav said: If Levi was here he would unleash upon you a pillar of fire! Do you think the acquisition is due to the acquisition of the handkerchief? The acquisition of the field is due to the pleasure that is brought about by the acceptance of the seller's item (*i.e. handkerchief*). Due to this pleasure, he gives him the field. [*Of course, there usually are other reasons as well, for example what the buyer is giving the seller. However, this works as a mode of acquisition for this reason.*]

This is comparable to the following Tannaic argument. "This was always done in Israel for redemption and exchanges to uphold everything. A man would take off his shoe, and would give it to his friend." "Redemption" refers to a sale. This is the verse states, "It should not be redeemed" (Vayikra 27:27) when referring to a sale. "Exchange" is a *chalifin* exchange, as the verse states, "He should not exchange it nor switch it." "To uphold everything. A man would take off his shoe, and would give it to his friend." Who would give to who? Boaz

gave the potential redeemer. Rabbi Yehudah says: The potential redeemer gave this to Boaz. (47a)

### **Laws of Chalifin**

The *braisa* states: One can use a vessel to effect *chalifin*, even if it is not worth a *perutah* (*small copper coin*). Rav Nachman says: *Chalifin* can only be done with a vessel, not with produce (*even if it is worth a lot of money*). Rav Sheishes says: It can be done with produce.

The *Gemora* asks: What is Rav Nachman's reason?

The *Gemora* answers: The verse states, "shoe," implying only a vessel, nothing else.

The *Gemora* asks: What is Rav Sheishes' reason?

The *Gemora* answers: The verse says, "To uphold everything (*i.e. with everything*)."

The *Gemora* asks: How does Rav Nachman understand the verse, "To uphold everything?"

The *Gemora* answers: This is to teach that everything can be acquired through *chalifin*.

The *Gemora* asks: How does Rav Sheishes understand the verse, "shoe?"

Rav Sheishes will answer: Just as a shoe is a whole object, so too any whole object is valid. This excludes using half of a pomegranate or nut.

Rav Sheishes the son of Rav Idi states: According to whose opinion do we write today, "With a vessel that is valid to use for acquiring (*through chalifin*)?" The word, "Vessel," excludes Rav Sheishes' opinion that one may also use produce. The word "D'kasher" -- "That is valid" excludes Shmuel's opinion that one can use a vessel made out of animal dung (*according to Rashi, see Tosfos*). "To acquire,"

excludes the opinion of Levi, who says that we use the vessel of the seller. This is why it says “to acquire” and not “to give over.” “With it.” Rav Papa says: This excludes using a coin. Rav Zevid and some say Rav Ashi says: This excludes using things forbidden from benefit.

Some say that the last teaching was said as follows. “With it.” Rav Pappa says: This excludes using a coin. “That is valid.” Rav Zevid, and some say Rav Ashi says: This excludes using things forbidden from benefit. However, we do not have to exclude things made from animal dung. (47a – 47b)

### **Asimon**

The *Mishna* said that an “*asimon*” (*unstamped*) coin acquires regular coins etc.

The *Gemora* asks: What is an *asimon*? Rabbi Yochanan says: It is like the token used to know how many people are in the bathhouse (*so the manager would know how much hot water and towels would be needed*).

The *Gemora* asks a question on this from a *braisa*. The *braisa* states: One cannot transfer *ma’aser sheini* onto an *asimon*, nor on a coin that is used to know how many people are in the bathhouse. [*This clearly implies that an asimon is not the same as a coin used to know how many people are in the bathhouse!*] If you will say the *braisa* continues to explain what an *asimon* is when it says coins used for the bathhouse, there is another *braisa* that indicates clearly that this assumption is incorrect. The *braisa* states: One can transfer *ma’aser sheini* onto an *asimon*. These are the words of Rabbi Dosa. The Chachamim say: One cannot transfer *ma’aser sheini* onto an *asimon*. They agree that one cannot transfer money onto a coin used for the bathhouse.

Rather, Rabbi Yochanan said: What is an *asimon*? It is an unstamped coin. Rabbi Yochanan is basing himself on a previous statement, where he said that Rabbi Dosa and Rabbi Yishmael are of the same opinion. We just stated Rabbi Dosa’s opinion. Where do we see that Rabbi Yishmael

shares this opinion? The *braisa* states: “*And you will wrap the money in your hand,*” implying anything that can be put in your hand (*can have ma’aser sheini transferred to it*). These are the words of Rabbi Yishmael. Rabbi Akiva says: The word “*V’tzarta*” implies that the object must have a “*tzurah*” -- “*form*” (*meaning the money must be stamped to transfer ma’aser sheini onto it*). (47b)

### **Acquiring with Money**

The *Mishna* says: How? If the buyer pulled the produce and did not yet pay the money, he cannot retract etc.

Rabbi Yochanan says: According to Torah law, money acquires. Why did the *Chachamim* say that pulling acquires? This is a decree lest the seller (*of the wheat*) say, “Your wheat have been burned in the attic (*see 46b*).”

The *Gemora* asks: [*What is the rationale behind this decree?*] In the end, the person who lit the fire will have to pay!?

The *Gemora* answers: They were worried that a fire will breakout due to forced circumstances. If it was his, he would make sure to save it even at great risk. However, if it is not his (*as he sold it*), he will not expend energy to save it.

Rish Lakish says: Pulling is a mode of acquisition clearly stated in the Torah. The verse states: “*And when you will sell something to your friend or acquire from the hand of your friend.*” This implies you are acquiring from his hand to your hand.

Rabbi Yochanan says: “*From his hand*” excludes land from being included in the laws of *ona’ah* (*under/over charging being discussing in this verse*).

Rish Lakish says: If this were the intent of the verse, it would say “*And when you will sell something from the hand of your friend, do not under/over charge etc.*” Why did it say, “*Or acquire etc.?*” This shows pulling from his hand is a mode of acquisition.



The *Gemora* asks: According to Rabbi Yochanan, why did the verse continue to state, “*or acquire etc.*”?

The *Gemora* answers: This is required for the teaching in the following *braisa*. The *braisa* states: “*And when you will sell something, do not under/over charge etc.*” We only know that this is a prohibition against overcharging (*as it is addressing the seller*). How do we know this also applies to the buyer (*that he cannot purchase at a price that he knows is well below market value without this clearly being known to the seller*)? The verse teaches, “*Or if he acquires, do not under/over charge.*”

Rish Lakish understands that both lessons can be learned from this verse.

The *Mishna* states that Rabbi Shimon says that whoever has the money has the upper hand.

Rabbi Shimon implies that only the seller can retract, not the buyer. This is understandable if one holds that money acquires according to Torah law, as the seller should be able to retract and not the buyer. [*Rashi explains that the seller realizes that he must get the goods to the buyer as fast as possible, as he can only keep this money if the sale is completed by the buyer pulling the goods.*] However, if one holds that money does not acquire according to Torah law, why can't the buyer retract as well?

Rish Lakish says: My position (*that pulling is a Torah law*) is not according to Rabbi Shimon, but rather according to the *Chachamim*.

The *Gemora* asks: According to Rish Lakish, the argument between the *Chachamim* and Rabbi Shimon is understandable. However, according to Rabbi Yochanan, what is the difference between their positions?

The *Gemora* answers: They argue regarding Rav Chisda's law. Rav Chisda says: Just as they established that one must

pull to finalize the sale for the seller, they also instituted this for the buyer. Rabbi Shimon does not hold of Rav Chisda's law, while the *Chachamim* do. (47b)

## INSIGHTS TO THE DAF

### ***Benefit from Receiving***

The *Gemora* in Kiddushin (6a) says that if a woman would give a gift to someone who is an important person and doesn't accept presents from just anybody, she would be receiving enough pleasure from the fact that he receives her gift so that he can betroth her with that benefit that she receives.

The Taz (y.d. 160:8) explains that the reason that he must be an important person is because if he is just a regular person, then the benefit she receives, doesn't have any cash value to it and therefore cannot create a *kiddushin*.

The Taz continues to apply this concept to the prohibition against lending with interest as well. If a lender tells a borrower, “I will lend you the money you need on condition that you receive this gift from me” - it depends. If the borrower is an important person, then the lender would be receiving real benefit from the borrower willing to receive his gift, which would create a *ribbis* (*lending with interest*) problem. But if the borrower is not an important person, there wouldn't be any *ribbis* problem. The Taz clearly understands that if the receiver of the gift is not an important person, we consider the value of the pleasure that the giver has to be worth zero, and therefore it is not a *ribbis* problem.

However, R' Akiva Eiger (y.d. 160 on Taz) cites a Ran in Kiddushin who asks based on Levi in our *Gemora* who holds that *chalifin* is done with the vessel of the seller, because the benefit that the seller receives by the buyer willing to accept his gift, provides enough benefit to the seller with which to sell the item. Clearly, we see that the seller receives benefit by the buyer receiving his gift even if the buyer is not an



important person. This seems to contradict the *Gemora* in Kiddushin!?

The Ran answers that even if the receiver of the gift isn't an important person, the giver has pleasure that the receiver was willing to accept, but the pleasure isn't valued at a *perutah*. Therefore, in the context of *kiddushin* where her pleasure must equal a *perutah*, it only works when he is an important person. But, by *chalifin*, where the benefit received by the seller need not be worth a *perutah*, even if the buyer is not an important person, it will work.

R' Akiva Eiger explains that Rav doesn't disagree with Levi about this. Therefore, in the context of *ribbis*, where even a slight benefit that the lender receives from the borrower is a prohibition (*although not a Biblical one*), even if the borrower isn't an important person, there would be a problem of *ribbis*. Based on this, the lender cannot say to the borrower, "I will lend you money on the condition that you receive this gift from me," even if the borrower isn't an important person, because the lender will be receiving some minor benefit which is forbidden.

#### QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF to refresh your memory

Q: Can a coin be acquired through *chalifin*?

A: No.

Q: How can one transfer money that is not in his hand to another?

A: *Kinyan agav*.

Q: Why, according to Rabbi Yochanan, did they decree that money cannot acquire movables?

A: This is a decree lest the seller (*of the wheat*) say, "Your wheat have been burned in the attic."

#### DAILY MASHAL

##### On Redemption, Exchange and Shoes

A rich chasid came to Belz for a few days to spend Shavuos with Rebbe Yisachar Dov zt"l, a grandson of the Sar Shalom zt"l. Preparing for the holiday, he met an indigent friend of his youth. His shoes were torn and even their patches were undone. The rich man's merciful feelings were overwhelming and he immediately removed his expensive shoes, exchanging with his friend.

The incident became widely known and came to the Rebbe's attention. He astutely remarked that the rich man's rare act of charity is hinted in the book of Ruth (read on Shavuos): "This was the custom in Israel for redemption and exchange...a person would remove his shoe and give it to another". Chaza"l stressed that giving charity has a dual effect. First of all, it hastens the Redemption. Secondly, the world is full of change: the poor become rich and vice versa. One who gives charity, though, earns HaShem's charity and He continues to support him. The verse, explained the Rebbe, therefore mentions Redemption and exchange: even a charitable gift of shoes hastens the Redemption and changes the donor's fate (Rabbi S. Y. Zevin, *Mo'adim*, p. 359).