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Bava Metzia Daf 52

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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

### **Mishna**

*[Just as the law of price fraud applies to the price of merchandise, it also applies to coins. Heavily circulated coins become worn down by frequent use, and are therefore not the same weight (its value is based on its weight and not on an arbitrary nominal sum) as a new coin of the same denomination. This Mishna teaches the measure of erosion for coins, about which the Tannaim disagree.]*

How much may a *sela* be lacking, without price fraud applying to it?

#### Key:

1 *sela* = 4 *dinars*

1 *dinar* = 24 *issars*

1 *dinar* = 6 silver *ma’os*

1 silver *ma’ah* = 2 *pundyons*

1 *pundyon* = 2 *issars*

Rabbi Meir says: Four *issars* per *sela*, which is an *issar* to a *dinar* (one twenty-fourth of its original value). Rabbi Yehudah says: Four *pundyons* per *sela*, which is a *pundyon* to a *dinar* (one twelfth of its original value). Rabbi Shimon says: Eight *pundyons* per *sela* - two *pundyons* to a *dinar* (one sixth of its original value).

For how long is it permitted to return the defective coin? In cities, it is until he can show it to the money changer; in villages, it is until the beginning of the next *Shabbos*.

If he (*the person who gave the coin*) recognizes it, he should accept it back from him even after twelve months, but he has nothing against him except a complaint. And he may use it for *ma’aser sheini* (to deconsecrate it) without worry, because he is a stingy person (*if he does not accept such a coin*). (51b – 52a)

### **Two Ways of Counting**

The *Gemora* asks: Our *Mishna* (which seems to rule that if the coin eroded in the exact amount listed, it will still be valid for use) seems to contradict the following *braisa*: To what extent is the *sela* to be lacking that price fraud should apply to it? [*The braisa then listed the opinions cited in our Mishna. From the wording of the braisa, it would indicate that if the coin eroded in the exact amount listed, it will still be valid for use.*]

Rav Pappa answered: There is no difficulty: Our *Tanna* reckons in an ascending fashion (*he is providing us with the first point where the coin becomes invalid for use; any deficiency less than this – the coin will still be valid*); whereas the *Tanna* of the *braisa* reckons in a descending fashion (*he is providing us with the last point where the coin becomes invalid for use; accordingly, they agree that if the coin eroded in the exact amount listed, it will not valid for use*). (52a)

### **Difference between a Sela and a Cloak**

The *Gemora* asks: Why do they argue regarding a *sela* (as to the amount which constitutes price fraud), but

regarding a cloak, they agree (*that one-sixth constitutes price fraud*)?

Rava answers: Which *Tanna* is the author of the *Mishna* which rules regarding a cloak that one-sixth constitutes price fraud? It is Rabbi Shimon (*who holds that the critical fraction is one-sixth by a sela and a cloak*).

Abaye answers: In the case of a cloak, one forgives up to a sixth, because people say, "Overpay for your back (*clothing*), but pay only the exact worth for your stomach." But as for a *sela*, since it does not circulate (*when it is deficient*), one does not forgive (*even if it less than a sixth*). (52a)

### Depreciation

The *Gemora* cites the entire *braisa* (*mentioned above*): To what extent is the *sela* to be lacking that price fraud should apply to it? Rabbi Meir says: Four *issars* per *sela*, which is an *issar* to a *dinar* (*one twenty-fourth of its original value*). Rabbi Yehudah says: Four *pundyons* per *sela*, which is a *pundyon* to a *dinar* (*one twelfth of its original value*). Rabbi Shimon says: Eight *pundyons* per *sela* - two *pundyons* to a *dinar* (*one sixth of its original value*).

If it is beyond that (*it is not lacking to this extent*), it may be sold at its worth.

The *braisa* continues: By how much may the coin depreciate that it shall still be permissible to keep it (*for at a certain point, it cannot be kept, for it might be used to cheat someone*)? In the case of a *sela*, it can depreciate as far as a *shekel* (*which is half of a sela; as the sela depreciates, there is no fear that it may be illegally used as a full sela because its decreased thickness is obvious, but when it is reduced to less than a shekel, there is the danger that it might be illegally used as a shekel, since the extent of the depreciation is not so noticeable in view of its large diameter, and which would appear to*

*compensate for its reduction in thickness*). In the case of a *dinar*, it can depreciate as far as a quarter (*for then, it might be illegally used as a quarter-dinar*). If it is an *issar* less, it is forbidden (*which the Gemora will explain*). One may not sell it (*an eroded coin that has reached its limit where it cannot be kept*) to a merchant, an extortioner, or a murderer (*even at its present value*), because they are likely to cheat others with it, but he should rather pierce it and suspend it around the neck of his son or daughter.

The *braisa* had stated: In the case of a *sela*, it can depreciate as far as a *shekel*. In the case of a *dinar*, it can depreciate as far as a quarter.

The *Gemora* asks: Why by a *sela* can it depreciate up until half, but by a *dinar*, it can depreciate up until a quarter?

Abaye answers: The *braisa* means a quarter of a *shekel* (*and since a dinar equals a half of a shekel, it emerges that a quarter of a shekel equals a half of a dinar*).

The *Gemora* notes that it was said in this manner to teach us that a *shekel* coin which has eroded to the point where it is now worth a *dinar* (*half of a shekel*), it may still be retained (*but not if it erodes more than that*).

The *braisa* had stated: If it is an *issar* less, it is forbidden.

Abaye explains this to mean that the coins cannot be used at its face value if the *sela* became lacking by an *issar* more than its price fraud limit.

Rava challenges this interpretation, for if it is even a little more than the limit, it cannot be used at its face value!?

Rather, Rava understands it to mean that if the *sela* became deficient by an *issar* to a *dinar*, it cannot be used any longer at its face value. This would be an anonymous ruling which follows Rabbi Meir's viewpoint.

The *Gemora* cites a *Mishna*: If a *sela* became unfit, and it was prepared to be used as a weight, it is now susceptible to become *tamei*. By how much may the coin depreciate that it shall still be permissible to keep it? In the case of a *sela*, up to two *dinars*. If it is worth less than this, it must be cut up (*for then, it might be illegally used as a shekel*).

The *Gemora* asks: What is the *halachah* if it is worth more than this?

Rav Huna said: If it is worth less, it must be cut up (*for then, it might be illegally used as a shekel*), and if it is worth more than this, it must also be cut up (*for then, it might be illegally used as a sela*).

Rabbi Ami said: If it is worth less, it must be cut up, but if it is worth more than this, it may be retained (*for people will not mistake it for a sela*).

The *Gemora* asks on Rav Huna from a *braisa* (cited above): If it is beyond that, it may be sold at its worth. Does this not mean that it depreciated more than its price fraud limit (*and it cannot be sold at its value, but it may be retained*)!?

The *Gemora* answers: No! The *braisa* means that if the coin did not depreciate up to its price fraud limit, it may be sold at its former worth.

The *Gemora* asks from a different part of the *braisa*: By how much may the coin depreciate that it shall still be permissible to keep it (*for at a certain point, it cannot be kept, for it might be used to cheat someone*)? In the case of a *sela*, it can depreciate as far as a *shekel*. Does this not mean that it depreciated a little at a time (*and we see that it can be retained until it drops to a shekel; this contradicts Rav Huna who holds that it must be destroyed even before it reaches that stage*)!?

The *Gemora* answers: The *braisa* is referring to a case where the coin fell into a fire and depreciated to a *shekel* at one time.

The *braisa* had stated: He should rather pierce it (*an eroded coin*) and suspend it around the neck of his son or daughter.

The *Gemora* cites a *braisa* which contradicts this ruling: One must not use it as a weight, nor should he cast it amongst his silver scraps, nor should he pierce it and suspend it around the neck of his son or daughter. Rather, he must either grind it up, melt it down, cut it up or cast it into the Dead Sea!?

Rabbi Elozar answers, and others say that it was Rav Huna in Rabbi Elozar's name: There is no difficulty, for the first *braisa* refers to a case where the middle of the coin is pierced (*and it can no longer be illegally used as a coin*), and the second *braisa* refers to a piercing at its edge (*which could be shaved off and made to appear like a coin*).

The *Mishna* had stated: For how long is it permitted to return the defective coin? In cities, it is until he can show it to the money changer; in villages, it is until the beginning of the next *Shabbos*.

The *Gemora* asks: Why do they make such a distinction regarding a *sela*, but regarding a cloak, they do not?

Abaye answers: the *Mishna* was referring to a case of a cloak in a city (*but in a village, a longer time would be given*).

Rava answers: As for a cloak, everyone is knowledgeable regarding its price (*even a common villager*), whereas in regard to a *sela*, only a moneychanger knows its value, so therefore, in cities, where a moneychanger is available, he can retract only until the time it takes to show it to a

moneychanger; whereas in the villages, where no moneychangers are available, he is given until the next *Shabbos*, when they go up to marketplace (to purchase food for *Shabbos*).

The *Mishna* had stated: If he (the person who gave the coin) recognizes it, he should accept it back from him even after twelve months.

Rav Chisda explains this to be referring to an exceptionally pious man (who will accept the eroded coin even though the allotted time has passed).

The next part of the *Mishna* means that if he is not exceptionally pious and he refuses to accept the coin back, he only has a complaint against him (for passing him such a coin, but it is his own fault that he let the deadline pass).

The *Mishna* had stated: And he may use it for *ma'aser sheini* (to deconsecrate it) without worry, because he is a stingy person (if he does not accept such a coin).

Rav Pappa said: This proves that he who is stubborn with respect to (accepting) coins (that are defective) is dubbed a stingy person - providing, however, that they still circulate.

The *Mishna* supports Chizkiyah, for Chizkiyah said: When someone comes to exchange it (a defective coin), he must exchange it according to its actual value; if he comes to redeem *ma'aser sheini* produce with it, he redeems it at its face value (even though *ma'aser sheini* will lose out, because the moneychangers in Yerushalayim will not give him full value for these coins).

The *Gemora* asks: Shall we say that Chizkiyah holds that *ma'aser sheini* may be treated disparagingly? But did not Chizkiyah say: With respect to *ma'aser sheini* produce worth less than a *perutah*, one may declare, "It, together

with its fifth, is redeemed with earlier redemption money" (money that he used to deconsecrate other *ma'aser sheini* produce). This is because it is impossible for a person to calculate his money exactly (and he made certain that the money used was worth more than the produce)!?

The *Gemora* answers: Chizkiyah meant that when using a defective coin to redeem the *ma'aser sheini* produce, the value must be calculated according to its certain worth (that which the moneychangers in Yerushalayim will give for it), for *ma'aser sheini* may not be treated lightly in two respects (that a defective coin can be used for deconsecration, and that it should be used to redeem more than its value). (52a - 52b)

## INSIGHTS TO THE DAF

### Defrauding your Fellow

The *braisa* had stated: If it is an *issar* less, it is forbidden.

Abaye explains this to mean that the coins cannot be used at its face value if the *sela* became lacking by an *issar* more than its price fraud limit.

Rava challenges this interpretation, for if it is even a little more than the limit, it cannot be used at its face value!?

Rather, Rava understands it to mean that if the *sela* became deficient by an *issar* to a *dinar*, it cannot be used any longer at its face value. This would be an anonymous ruling which follows Rabbi Meir's viewpoint.

Tosfos understands in Rashi that one would be permitted to defraud his fellow if it is less than a sixth, even in a case where he does not intend to return the overcharge. This is because the defrauded party, because it is insignificant, is immediately *mochel* the "cheater." It would be permitted to charge exactly a sixth more than its price



only if he intends to return the overcharge within the time it would take the other party to show the purchase to a merchant.

The Ritva writes that it is forbidden to defraud your fellow in cases where it is precisely a sixth. This is because people are generally particular regarding these things.

The Ramban maintains that it is forbidden even if it is less than a sixth, for one is not allowed to defraud his fellow whatsoever. If it was less than a sixth, the sages ruled that he is exempt from paying it back. That does not make it permitted.

The Chinuch holds that there is no Biblical prohibition when one defrauds his fellow less than a sixth.

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

Q: Is there a *halachah* of *ona'ah* when one buys from a private individual?

A: Not by his utensils, unless it is those that are normally sold.

Q: Why doesn't *ona'ah* apply to a middleman?

A: He knows how much what he is selling is worth. He is clearly allowing himself to be "cheated." The reason he is selling at a loss is because he wants cash to make a great deal.

Q: What is the *halachah* if a person says to his friend, "on the condition that you have no claim of *ona'ah* on me" (when they are conducting a sale).

A: Rav says: The laws still apply. Shmuel says: They do not apply.

#### DAILY MASHAL

The Magen Avraham cites the Arizal that one should purchase his necessities for Shabos on Friday, and not on Thursday. This is hinted at in Scripture when it is written regarding the manna that they prepared it on the sixth day.

There are those who cite our Gemora as a proof to this, for Rashi writes that there was a banker in the villages on Friday, for that was when people would come to him to exchange their coins in order to purchase food for Shabos.

This can also be proven from the Gemora in Taanis which states that it would be regarded as a curse if it rains on Friday – even in the times of Eliyahu HaNavi. This is because people need to go to the market in order to properly prepare for Shabos.