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Bava Basra Daf 89

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Daf Notes is currently being dedicated to the neshamot of

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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

Faulty Measures

The *Mishna* had stated: If the custom was to use a large measuring utensil, one should not use a small one. The *Gemora* cites a mnemonic (*words from the next eleven braisos which discuss weights and measures*): One may not balance; one may not heap; with market officers; and with a *litra*; three; and ten; fulcrums; weights; level; thick; you shall not do; he shall not make.

The *Gemora* cites a *braisa*: From where do we know that the measure must not be leveled where the custom is to heap it (*even if the buyer agrees*), and that he may not heap it where the custom is to level it (*even if the seller agrees*)? For it has been stated: *A perfect measure*. [*This may mislead others into thinking that this is the local custom; this can lead to fraud.*] And from where do we know that we are not to listen to one who says, “I will level where the custom is to heap it, and reduce the price,” or, “I will heap it where the custom is to level, and raise the price” (*for someone looking at the purchase might not realize that the price was different*)? For it has been stated: *A perfect and just measure you shall have*.

The *Gemora* cites another *braisa*: From where do we know that the scale must not be balanced where the custom is to tilt it, and that it may not be tilted where the custom is to have it balanced? For it has been stated: *A perfect weight*. And from where do we know that we are not to listen to one who says, “I will balance where the custom is to tilt it, and reduce the price,” or, “I will tilt it

where the custom is to balance, and raise the price”? For it has been stated: *A perfect and just weight*.

Rav Yehudah of Sura said: *You shall not have in your house (even money)*; why will this be so? It is because you kept a (*large*) measure and a (*small*) measure (*for he purchased using the large measure and he sold using the small one*). *You shall not have in your bag*; why will this be so? It is because you kept a (*large*) weight and a (*small*) weight. But if you keep *a perfect and just weight, you shall have (a lot of money)*; and if you keep *a perfect and just measure, you shall have (a lot of money)*.

The *Gemora* cites another *braisa*: *You shall have*. This teaches us that we appoint market officers to monitor measures (*and punish those who use faulty ones*), but no such officers are appointed for monitoring prices (*for one who raises his prices will be forced to lower them anyhow, for all purchasers will buy from his competition, who will be selling for cheaper*).

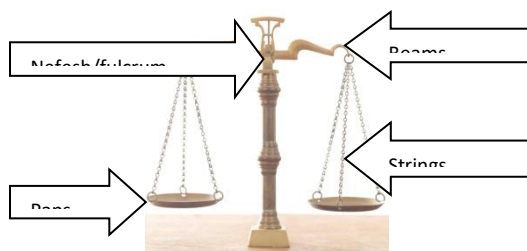
The *Gemora* records: Those of the Nasi’s House appointed market officers to monitor both measures and prices. Shmuel said to Karna: Go out and teach them the laws that we appoint market officers to monitor measures, but no such officers are appointed for monitoring prices. But Karna went out and taught them as follows: Market officers are appointed to monitor both measures and prices. Shmuel said to him: What is your name? Karna! Let a horn (*keren*) grow in your eye. Consequently, a horn grew in his eye. The *Gemora* asks: But whose opinion did he follow? The *Gemora* answers: It

is in accordance with Rami bar Chama, who said in the name of Rabbi Yitzchak that market officers are appointed to monitor both measures and prices, on account of the cheaters (*who will wait until his competition sell their merchandise, and then he will sell his for a higher price*).

The *Gemora* cites another *braisa*: If one asked to buy a *litra* of merchandise, the merchant must weigh for him a *litra* of merchandise. If he wanted half a *litra*, the merchant must weigh for him half a *litra* of merchandise. If he wanted a quarter of a *litra*, the merchant must weigh for him a quarter of a *litra* of merchandise. This *braisa* teaches us that the smallest weight should be a quarter of a *litra* (*for any smaller, it would be too difficult to recognize a faulty weight of a swindler*).

The *Gemora* cites another *braisa*: If he wanted three quarters of a *litra*, he shall not tell him, “Weigh for me the three quarters, one quarter at a time,” but rather, a *litra*-weight is laid down on one side of the scale, and a quarter *litra*-weight with the (*three quarter litra of*) meat should be placed on the other side. [*This is in order to avoid the seller tilting the scale three different times.*]

The *Gemora* cites another *braisa*: If he wanted ten *litras*, he shall not tell him, “Weigh for me each *litra* separately and tilt the scale every time” (*and this would be beneficial for the customer, for the seller will tilt the scale in his favor every time*), but rather, all ten are weighed together and he tilts the scale only once.



The *Gemora* cites another *braisa*: The *nefesh* (*fulcrum; the point on which the lever of the scale pivots*) of a balance

scale must be suspended in the air three *tefachim* (*removed from the ceiling from which the scale hangs; this is in order that one end of the scale should not hit the ceiling when the other end is weighted down*). The scale pans must be at least three *tefachim* above the ground. The beam and the strings must contain a total length of twelve *tefachim* (*four tefachim for the beam and four tefachim for each string; this is in order to ensure that that it is weighed properly when weighing heavy objects*). The fulcrum of the scale of wool-dealers and glassware dealers (*who do not weigh heavy objects*) must be suspended in the air two *tefachim*. The scale pans must be at least two *tefachim* above the ground. The beam and the strings must contain a total length of nine *tefachim* (*three tefachim for the beam and three tefachim for each string*). The fulcrum of a scale of a storekeeper and of a householder must be suspended in the air one *tefach* (*for they used to tilt it a tefach*). The scale pans must be at least one *tefach* above the ground. The beam and the strings must contain a total length of six *tefachim* (*two tefachim for the beam and two tefachim for each string*). The fulcrum of a scale of a smith (*for gold and silver*) must be suspended in the air three fingers (*for tilting a tefach would cause a big loss for the gold seller*). The scale pans must be at least three fingers above the ground. I do not know the length of its beam and its strings.

Rav Pappa explains that the first *halachah* taught in the *braisa* is referring to a scale used by ironsmiths (*who weigh large pieces of metal*).

Rabbi Mani bar Patish said: The same (*limitations regarding their measurements*) that have been stated to apply to balance scales with respect to their prohibition (*that they may not be used if they do not have the proper dimensions*) have also been stated to apply to them with reference to their susceptibility to *tumah* (*they cannot become tamei if they do not have the proper dimensions, for they are not regarded as a utensil*).



The *Gemora* asks: What is he coming to teach us? Has this not already been taught in the following *Mishna*: The length of the ropes (*used to suspend the scale from the ceiling*) of a storekeeper's and householder's scale are a *tefach* (*and only then will they be susceptible to tumah*)!?

The *Gemora* answers: The statement of Rabbi Mani is required on account of the sizes of the beam and the strings, which were not mentioned in that *Mishna*.

The *Gemora* cites another *braisa*: Weights must not be made from tin, lead, an alloy, or from any other kinds of metal (*for they corrode and eventually lose their weight*), but they must be made of stone or of glass.

The *Gemora* cites another *braisa*: The level must not be made of a gourd because it is light (*and therefore the heap will not get leveled – causing the seller to lose*), nor of metal because it is heavy (*causing the buyer to lose*), but it must be made of olive, walnut, sycamore, or boxwood.

The *Gemora* cites another *braisa*: The level may not be made wide on one side (*which will provide an advantage for a buyer*) and narrow on the other (*providing an advantage to the seller*). One may not level with a single quick movement, for leveling at once causes a loss to the seller and provides an advantage for the buyer. One may also not level very slowly because this will be bad for the buyer and beneficial to the seller.

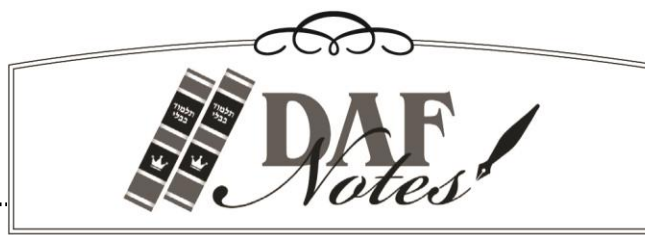
Regarding all these swindling weighing practices, Rabbi Yochanan ben Zakkai said: Woe to me if I should speak of them, and woe to me if I should not speak of them. If I would speak of them, the swindlers might learn (new methods of cheating), and should I not speak of them, the swindlers might say, "The Torah scholars are unacquainted with our illegal practices" (*and consequently, they will cheat even more*).

They inquired: Did Rabbi Yochanan ultimately speak of these practices or not? Rav Shmuel the son of Rav Yitzchak said: He did speak of them, and he based his decision on the following verse: *For the ways of Hashem are straight, and the righteous will walk in them but transgressors will stumble in them*.

The *Gemora* cites another *braisa*: *Do not commit a sin in (personal) judgment (meaning), in measures of length, weights, and liquid measures*. "Measures," refers to measuring land. One should not measure one person's land in the summer and one in the winter. [*The measuring rope is wet in the winter and stretches well, while in the summer it is dry and is a smaller measure. Therefore, if one wants to divide a field evenly between two brothers, he should measure both portions during the same season.*] "Weights," teaches not to weigh down a scale with salt. "Liquid measures," teaches that he should not boil the liquid in order that it looks like it has reached the top of the measure, when it really has not done so. This is a *kal v'chomer*: If the Torah cares about the accuracy of a "*mesurah*" (*word used in the verse to mean liquid measure but can also mean*), one thirty sixth of a *log*, certainly one should be careful with a *hin*, half a *hin*, third of a *hin*, quarter of a *hin*, a *log*, half a *log*, a quarter of a *log*, an eighth of a *log*, half of an eighth, or an *uchla* (*one twentieth of a log*).

Rav Yehudah said in the name of Rav: A person is forbidden to keep in his house a measure which is undersized or oversized (*than the nominal capacity*), even if it will only be used as a urinal.

Rav Pappa said: This applies only in a place where the measures are not marked (*by the government officials*), but where they are marked, it is permitted to keep them, for if the buyer will not see the mark on them, he will not accept anything which was measured in them. And even where they are not marked, this has been said



only in places where they are not monitored, but if they are monitored, it is not a problem.

The *Gemora* notes: But this is not correct (*and it is forbidden to keep these measures*), for a buyer may sometimes come at twilight (*right before Shabbos*) and the seller will use the faulty measure.

The *Gemora* cites a supporting *braisa*: A person is forbidden to keep in his house a measure which is undersized or oversized (*than the nominal capacity*), even if it will only be used as a urinal. But a person should make the following measures: a *se'ah* (*six kavs*), a *tarkav* (*three kavs*), half a *tarkav*, a *kav*, half a *kav*, a quarter of a *kav*, an eighth of a *kav*, half of an eighth and an *uchla*. An *uchla* is one-fifth of a quarter of a *kav*. (89a – 90a)

HALACHOS OF THE DAF

Accurate Weights

It is a Torah prohibition to weigh something with an inaccurate measure, weight or scale. Furthermore, one may not keep such items in his home. However if everyone in his community uses scales weights or measures which are engraved with a certain symbol, then he may keep the inaccurate ones in his home. This is because no one will buy from him if he uses those weights.

One may not store his weights in salt. Some Rishonim understand the reason to be, because the salt would make the weights heavier, and the buyer might use these weights to his advantage. Since if for example the weight weighs a pound, and after it was kept in salt it weighs a little more, the buyer stands to gain more merchandise for his money. Other Rishonim explain that the reason weights may not be stored in salt is because the weights will decrease in volume, and the seller might use it to his advantage.

One should cover the weights which are used to weigh gold and silver, for even the slightest nick can cause a large discrepancy in price.

A scale must be perfectly balanced. The proper size of the scale is essential to achieve accurate results.

DAILY MASHAL

Janitor or Rabbi?

The *tzadik* Rav Shmelke HaLevi Horwitz zt"l, brother of Rav Pinchas, the author of *Haflaah*, once passed through Nikolsburg, an important Jewish community. The leaders of the congregation had heard about his outstanding greatness and invited him to become the rabbi of their town. Rav Shmelke said he would consider the offer till after Shabbos and, when that time arrived, consented.

“What did you find out on Shabbos”, they asked, “that wasn’t clear before?”

“At first I thought”, he replied, “that I don’t need all this trouble. The rabbi of Nikolsburg has a lot of responsibility and could be tempted to favor the VIPs, so maybe I should better become a janitor in the bathhouse. Before Shabbos, though, I went there and saw that he also favors certain clients. To the rich he smiles and hands out new bars of soap and at the poor he frowns and gives them broken pails. If, then, even a janitor can be tempted to show favoritism, shouldn’t I better be a rabbi?” (*Al HaTorah*, 550).