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Bava Basra Daf 90

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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

Making Measures

The *Gemora* cites a *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*. In wet measurements, one can make a *hin*, half of a *hin*, a third of a *hin*, a quarter of a *hin*, a *log*, half a *log*, quarter of a *log*, an eighth of a *log*, and one eighth of an eighth of a *log*, known as a *kortov*.

The *Gemora* asks: Why can’t one make a two *kav* measure?

The *Gemora* answers: We are concerned that the seller will end up mixing it up with the three *kav* measure (*known as a tarkav*).

The *Gemora* asks: This means that a person will make a mistake when the difference between the two measures is a third (*three kavs is one third of itself more than two*). If this is the case, we should also not allow a *kav* measurement, as people will mix this up with a half *tarkav* (*which is one and a half kav*)!?

Rather, the *Gemora* says: The reason why we do not make a two *kav* measure is because people will mix it up with a half *tarkav* (*which is one and a half kav*).

The *Gemora* asks: This implies that people make a mistake when the difference between the measures is one quarter. If so, we should not allow a half *toman* (*half of an eighth of a kav – one-sixteenth*) and an *uchla* (*one-fifth of a quarter of a kav – one-twentieth*)!

Rav Pappa answers: When it comes to small measures, people are experts (*and will not be cheated or make mistakes*).

The *Gemora* asks: Based on the logic above, we should not allow a third of a *hin* and a quarter of *hin*!?

The *Gemora* answers: Being that these measures were used in the Beis Hamikdash, the Rabbis did not decree against their being used in everyday life.

The *Gemora* asks: Why didn’t they indeed decree in the Beis Hamikdash that these similar vessels should not be used?

The *Gemora* answers: The *Kohanim* are careful (*and they therefore would ensure that they do not get mixed up*). (89b – 90a)

Increasing Measures

Shmuel says: We do not increase measures by more than one sixth of their original value, nor do we do this when reestablishing the value of a coin. If someone buys



wholesale and sells retail (*see Rashbam*), he should not make more than a sixth.

Shmuel said: We do not increase measures by more than one sixth of their original value. Why? If it is because it will make the market price high, one should not even add a sixth!?

Rather, the *Gemora* answers: It must be because this will be a prohibition of *ona'ah* (*price fraud*) and will cause the sale to be invalid.

The *Gemora* asks: Didn't Rava say that anything which is measured, weighed, or counted is considered *ona'ah* and the sale is invalid, even if the amount overcharged is less than one sixth?

The *Gemora* answers: Rather, it is due to the loss that will be incurred by visiting merchants.

The *Gemora* asks: Perhaps they will not have loss, but don't they also need to make a profit? If someone buys and sells for the same price, is he called a merchant!?

Rather, Rav Chisda says: Shmuel found a verse from which he derived this law. The verse states: *And the shekel is twenty geira, twenty shekel, twenty five shekel, fifteen shekel is a mana for you. Is a manah sixty shekel (adding up the numbers of shekel in the verse) which equals two hundred and forty dinar? [Isn't a manah equal to one hundred dinar?]* Rather it must be that we derive three things from here. One thing is that the *manah* of the Torah was twice as large as our *manah*. [*Two hundred instead of one hundred, plus the extra sixth (of forty).*] We also see that when we add on the measures, one can only add up to a sixth (*the forty was added*). We also see that a sixth is measured based on the sum total, not excluding the sixth itself.

Rav Pappa bar Shmuel instituted a measure of three *kapizi* (*nine lug*).

People asked him: Didn't Shmuel say one cannot add on to a measurement more than a sixth? [*The next measurement under it was a half of a tarkav, which was only six lug.*]

He answered: I have instituted a new measure. [*In other words, being that in this area a half of a tarkav is not used, I did not add onto an existing measure.*]

They sent this new measure to Pumbedisa and they did not accept it, but they did accept it in Papunya. The called the new measure "roz pappa" -- "the measure of Pappa."

The *braisa* states: People who drive up the price of fruit, lend with interest, lessen their measures, and add to the price, about them the verse says: *To say when will the month pass and we will sell for a high price, and then Shemittah will arrive and we will open our storehouses to lessen our measures and increase our shekels and to make our measures crooked.* Additionally, the verse says: *Hashem swore with the might of Yaakov, "If I will forget to overpower all of their actions."*

The *Gemora* asks: Who is an example of a person who stored fruit and drove up the price?

The *Gemora* answers: An example is Shabsi, the hoarder of fruit. Shmuel's father would sell fruit in the winter at the winter price (*a cheap price, in order to be an example and have all the fruits be sold cheaply*). Shmuel, his son, would hoard these fruits and sell them in the spring for the winter price. [*The Rashbam notes that he would not buy them from the market in order to hoard them, as this would drive the price up. Rather, he hoarded his own produce and did not release it to the market until later.*]



They sent: The father's actions are better than the son's actions. Why? The price that he managed to set stays set. [The Rashbam explains that once the price is set cheaply, it stays for awhile. Shmuel's help was only after the price became expensive, and was only minimally helpful.]

Rav says: A person may make his own *kav* (i.e. produce that he grows from his fields) for storage.

The *braisa* supports this. The *braisa* states: One should not hoard fruits that are important for survival, such as wines, oils, and flours. However, spices like cumin and pepper may be hoarded. This is only regarding buying it up from the marketplace in order to hoard it. However, a person is allowed to hoard his own produce. A person may hoard fruit in *Eretz Yisroel* for three years: before *Shemittah*, on *Shemittah*, and after *Shemittah*. [This is order to have what to sell to the populace during these years when they cannot work the land.] However, in years of famine, he should not even hoard a *kav* or carobs, as it places a curse on the market prices (becomes heavily inflated).

Rabbi Yosi son of Rabbi Chanina instructed his servant Puga to hoard for him fruits for three years: the year before *Shemittah*, the year of *Shemittah*, and the year after *Shemittah*. (90a – 90b)

HALACHOS OF THE DAF

Basic Staples

Basic staples are food items which are needed to live, they include wine, flour and oil. There are special laws in regard to commerce when dealing with basic staples.

1) One may not sell these items above the common price. Items which are added to the basic staples (i.e. spices), the limit one may profit from them, is double the

cost. There is no limit that one may charge, for all other items.

2) When one buys these items, he may not stockpile them. One can do so however, if he grew them himself. In times of famine, one may only store away enough of these items to last him a year.

3) One may not export such items from *Eretz Yisroel* or from a place which is mostly populated by Jews.

4) In *Eretz Yisroel* one may not make a business out of selling these items, rather everyone brings his little bit of produce to the marketplace and sells them. This does not apply in a place where it is mostly populated by Jews.

DAILY MASHAL

There are two ways to acquire an animal by *meshichah*: to call it to come to you or to strike it to run before you. Rabbi Bunim of Pshischa zt"l asserted that when Hashem wants to persuade the Jewish people to return to Him, He may likewise choose to call them gently or afflict them to repent out of fear. Hence, we beg Hashem: "Pull me and let us run after You!" (Shir HaShirim 1:2). "Pull me" is *moshcheni*: If You want to acquire us by *meshichah*, let us run after You but do not afflict us, such that we run away from you! (*Midrash Simchah*)