

30 Nissan 5777
April 26, 2017



Bava Basra Daf 94

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

One who sells produce to his fellow, he accepts upon himself a quarter of refuse per se'ah; figs - he accepts upon himself ten wormy ones per hundred; a wine cellar - he accepts upon himself ten sourish ones per hundred; jars in Sharon - he accepts upon himself ten brittle ones per hundred

Amount of Additions Allowed

The Gemora asks: Is it true that a person does not accept a quarter kav of pieces of earth (made up of earth and what is mixed in with it) per sa'ah of produce? Doesn't the braisa state: If someone sells produce to his friend, he accepts the following amounts of filler. If it is wheat, he accepts a quarter kav of legumes per sa'ah. If he sells barley, he accepts a quarter kav of a straw-like substance per sa'ah. If he sells lentils, he accepts a quarter kav of pieces of earth per sa'ah. It must be that a quarter kav of earthlike pieces is also accepted for wheat and barley!

The Gemora answers: Lentils are different, as they are totally pulled out of the ground (as opposed to being harvested off branches, and therefore are more likely to have earth mixed in with the lentils).

The Gemora asks: The reason that lentils can have a quarter kav is because they are pulled out of the ground, as opposed to wheat and barley. Perhaps we

can see from here that wheat and barley could at least have some pieces of earth (just not a quarter of a lav)?

The Gemora answers: No. Perhaps even wheat and barley can have a quarter of a kav of pieces of earth. The reason this was stated specifically regarding lentils (when one would think it should be stated regarding wheat, and we would know that it certainly applies to lentils where it is more natural) is as follows. One would think that being that earth is more naturally mixed with lentils, a buyer accepts even more than a kav of earth mixed with their lentils. The braisa therefore specifically stated regarding lentils that one can only have up until one quarter of a kav.

Rav Huna says: If a buyer comes to sift the produce because he thinks there are too many e pieces of earth, and he indeed finds more than one quarter kav, he can take all of these pieces out and demand pure produce.

Some say Rav Huna's statement is the law, and some say it is a fine.

The one's who say it is a law explain that a person who gives a zuz in exchange for produce does so in order that he should receive quality produce without having to exert any effort. If the earthlike pieces are less than a quarter kav per sa'ah, he will not bother sifting them. If they are more, he will bother sifting him, and is allowed to sift the entire batch and only take pure produce. [If he tries to sift it when there is only a quarter kav or less,



he did something abnormal and cannot claim pure produce.]

Some say this is a fine as it is normal for there to be up to a quarter of a kav of pieces within the produce, but not more than that. If there is more, this means the seller mixed them in on purpose. He therefore receives a fine that the buyer has the right to take pure produce.

The Gemora asks a question on the understanding that this is a law. The braisa states: Any produce that has a quarter kav of a different kind of produce mixed in with it should have that kind of produce lessened (from a quarter kav, and then the produce may be planted without being included in a prohibition of kilayim). It seems that the braisa is considering a quarter kav regarding kilayim like we are considering more than a kav of pieces of earth regarding a sale. The braisa says it must be lessened! [If we don't mandate that the other type of produce should be completely sifted, and that is a question of a prohibition, certainly we should not make the seller have to give pure produce according to the letter of the law! The buyer should be able to sift until one quarter of a kav is left.]

The Gemora answers: No. One quarter of a kav of other produce regarding kilayim is the same as one quarter of a kav regarding a sale.

The Gemora asks: If so, why does the braisa say that if there is that a quarter kav from other produce he must lessen it? [He doesn't have to lessen it when it comes to a sale!]

The Gemora answers: This is because of the severity of the law of kilayim.

The Gemora asks: If this is so, why does the second part of the braisa say that Rabbi Yosi says he should separate the entire quarter of a kav from the produce? If you will

say he considers it like having more than a quarter of a kav of pieces of earth in a sale, this is understandable. The Tanna Kamma will say that we do not make a fine to take away what is permitted because of what is forbidden, while Rabbi Yosi will say we do. [Rabbi Yosi's law is then similar to Rav Huna's law that we say he can sift everything and receive only pure produce.] However, if you say that it is like a quarter of a kav regarding a sale, why should he take all of it away?

The Gemora answers: Rabbi Yosi's reasoning is because it looks as if we are allowing kilayim to be grown.

The Gemora asks a question from a Mishna on the opinion that Rav Huna's law is a fine. The Mishna states: Two people deposited money by the same guardian. One deposited one hundred zuz and one deposited two hundred zuz. They each claim that they were the ones who deposited the two hundred zuz (and the guardian is unsure who deposited what). The guardian should give each one hundred zuz, and the rest should be stored away until Eliyahu the prophet arrives. [If we do not give a fine in this case that nobody should receive any money, why do we make a fine for the seller that he must sell pure produce when he was caught trying to sell more than a quarter of a kav of pieces of earth per sa'ah?]

The Gemora answers: In the Mishna above, each person certainly is owed one hundred zuz. In our case, it is possible that all of his produce has more than a quarter kav of pieces of earth added to it. He therefore must only supply pure produce.

The Gemora asks a question from the second part of the Mishna above. The Mishna states: Rabbi Yosi says that if this is the law (that each gets their hundred etc.), what does the dishonest claimant lose? Rather, all the money should be left until Eliyahu the prophet arrives. [This is

a proof to the opinion that we do make drastic fines, and that Rav Huna's opinion is not a law.]

The Gemora answers: In that case, it is clear that someone is lying. In our case, who says that the person mixed in pieces of earth on purpose? [It is possible that it is a bad batch, or he bought it from someone who told him it was good quality.]

The Gemora asks a question from a braisa. The braisa states: If a loan document includes interest, we give a fine to the lender, and he does not collect the principle or the interest. These are the words of Rabbi Meir. [This also shows that we make a fine that includes what he should have collected.]

The Gemora answers: In that case, the lender transgressed the prohibition of interest when he made the loan (document). In our case, who says that the person mixed in pieces of earth on purpose?

The Gemora asks a question from a braisa. The braisa states: The Chachamim say that he collects the principle but not the interest (in the case above). [This shows we do not make such a fine.]

The Gemora answers: In that case, the principle is certainly permitted (for him to collect). In our case, who says that he did not mix the entire amount that he is selling with more than a quarter of a kav of pieces of earth per sa'ah?

companions but had a knack for figuring the calendar and foretelling the event of every holiday. Printed calendars were hard to get then so the villagers revered him, gave him a prestigious seat in the synagogue and consulted him in all matters. Once, he was passing through Vilna, the center of Torah scholarship for all Lithuania, and entered a synagogue for prayer. Seeing some *talmidei chachamim* in a heated discussion of deep halachic significance, he told himself, "People call me a rabbi, so I'll go hear them and decide who's right." But on listening to the scholars, he retreated in deep disappointment, unable to understand a thing. The same applies to anyone often praised who allows himself to be tempted to believe what people say about him: When he gets to the World to Come, won't he be ashamed? "Please, then", the Chafetz Chayim concluded, "stop honoring me and don't mislead me!"

DAILY MASHAL

The "Genius of the Calendar" Goes to Vilna

The Chafetz Chayim zt"l always avoided being honored and often refused to wear clothing typical of a rabbi. Once, at an event where he was greatly honored, he told a story about a villager who was just as ignorant as his