

21.4.9

51b (משנה ה') → 52b (אלא תרעומת)

Note: 1 סלע=4 דינר; מעה=6 דינר; מעה=2 פונדיון; פונדיון=2 איסר

- I 'ה משנה: amount of אונאה in coins (differential between stated value and real value); example: 1 סלע (see note)
- a Note on language:
- i In ברייתא, presented as "how much constitutes אונאה"; here: "how much doesn't constitute אונאה"
- 1 Resolution: תא ברייתא reckons "top-down"; our משנה reckons "bottom-up" i.e. at what point will it be אונאה?
- b מ"מ: 4 איסרות ($4/96 = 1/24$)
- c ר' יהודה: 4 פונדיונים ($8/96 = 1/12$)
- d ר"ש: 8 פונדיונים ($16/96 = 1/6$)
- i Q: why isn't אונאה here the same as for goods ($1/6^{\text{th}}$)?
- 1 Answer1 (רבא): author of the earlier משנה is ר"ש ($1/6^{\text{th}}$ here as well)
- 2 Answer2 (אבוי): a person may pay more for clothing (as per the adage), but if the coin isn't accepted...
- ii תא ברייתא presents 3 opinions of our משנה, then:
- 1 If: it is less deficient than that, it should be sold for its face value
- 2 Q: how much can it be deficient and may still be kept?
- (a) Answer: סלע – until it becomes worth a שקל (no less); שקל – until it becomes worth $1/4$ סלע ($1/2$ שקל)
- (i) Note: reason for presenting measure in סלע-terms- teaching that sometimes a דינר ($1/2$ שקל) may come from a דינר, as per ר' אמי's ruling that such a coin may be kept, but דינר which came from סלע may not
- (b) Continued: "if it is 1 איסר less, may not be used..."
- (i) meaning (אבוי): if it is worth 1 איסר less than that threshold – may not be used
1. Challenge (רבא): if it is below the threshold, even a משהו, should be unusable, rather
- (ii) Meaning (רבא): if a סלע is worth 1 איסר less than a סלע (מ"מ) – may not be used
1. Addendum: (כלים יב:ז) – משנה סלע – a סלע which became invalid and he used it as a counterweight may become טמא; he may keep it until it is only worth 2 דינר; less than that must be broken
- a. Q: what if it is worth more than that?
- i. ד' הונא still must be destroyed
- ii. ד' אמי he may keep it
- b. Challenge: (from our משנה) if it is more than that value, he may sell it at face value
- i. Meaning: doesn't this mean if it became worth less by אונאה-amount?
- ii. No: it became worth less than face-value but not by אונאה-amount
- c. Challenge (to הונא ר'): he may keep a סלע until it's not even worth a שקל
- i. Assumption: it was losing its value slowly, and still he may keep it
- ii. Rejection: it may have lost its value at once, e.g. in a fire
- (c) Continued: ...because it is used to trick others; rather, he may make a hole in it as a pendant for his child
- (i) Challenge: ruling that a bad coin may not be used that way; rather, must be destroyed
1. Resolution: if he makes the whole in the middle, it's okay as it could never again be used
- II 'ה משנה: duration of time during which faulty coin may be returned
- a In the city: until the time required to show it to a moneychanger
- b In the villages: until ערב שבת (when he attempts to spend it on needs for שבת and discovers if it is accepted)
- i Question: why distinguish between locales for coins, but not for goods?
- 1 Answer1 (אבוי): earlier משנה – enough time to show it to an appraiser – only in cities
- 2 Answer2 (רבא): everyone knows the value of goods, but coins need an expert
- (a) Therefore: in the city, where moneychangers are found, he can check immediately; villagers only see moneychangers on market day (ע"ש).
- c But: if the giver recognizes it, he must accept it back even after 12 months and only has תרעומת (no real counter-claim)
- i Challenge: in the cities, it is a short duration and in the villages – until ע"ש; how can we require return now?
- 1 Answer (ר' חסדא): this is an appeal to מדת חסידות
- (a) Challenge: if so, who has the תרעומת?
- (i) Can't be: the one who gave it to him (who is a חסיד) – he can just not accept it
- (ii) Rather: must be the recipient, in another case where the giver doesn't accept it back
- d Nonetheless: he may use it for מע"ש, as someone who doesn't accept it is a נפש רעה (→ it's a good coin)
- i Explained: in following passages