

22.5.14

88a (משנה י') → 89a (מפני הרמאין)

1. אָבן שְׁלֵמָה וְצָדֵק יְהִי לָךְ אִיפֹה שְׁלֵמָה וְצָדֵק יְהִי לָךְ לְמַעַן יֵאָרִיכוּ יָמֶיךָ עַל הָאֲדָמָה אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לָךְ: דְּבָרִים כה, טו
 2. כִּי אֵת כָּל הַתּוֹעֵבֹת הָאֵל עָשׂוּ אַנְשֵׁי הָאָרֶץ אֲשֶׁר לִפְנֵיכֶם וַתִּטְמָא הָאָרֶץ: וַיִּקְרָא יח, כז
 3. כִּי תוֹעֵבֹת ה' אֱלֹהֶיךָ כָּל עֲשֵׂה אֱלֹהִים לֹא עָשָׂה עוֹל: דְּבָרִים כה, טז
 4. וַיִּקַּח מִזֶּרַע הַמְּלֻכָה וַיִּכְרֹת אֹתוֹ בְּרִית וַיָּבֵא אֹתוֹ בְּאֵלֶּה וְאֵת אֵילֵי הָאָרֶץ לְקַח: יחזקאל יז, יג
 5. אִם בְּחֻקֵּי תִלְכוּ וְאֵת מִצְוֹתַי תִּשְׁמְרוּ וְעֲשִׂיתֶם אִתְּם...וְאֹלֶךְ אֶתְכֶם קוֹמְמִיֹת: וַיִּקְרָא כז
 6. וְאִם בְּחֻקֵּי תִמְאָסוּ...וְאֵת חֻקֵּי גְעִלָה נִפְשָׁם: וַיִּקְרָא כז
 7. וְהָיָה אִם שָׁמוֹעַ תִּשְׁמַע בְּקוֹל ה' אֱלֹהֶיךָ לְשַׁמֵּר לַעֲשׂוֹת אֵת כָּל מִצְוֹתָיו וְחֻקֵּיךָ אֲשֶׁר אָנֹכִי מְצַוֶּה הַיּוֹם...וְאִין קִנְיָה: דְּבָרִים כה
 8. וְהָיָה אִם לֹא תִשְׁמַע בְּקוֹל ה' אֱלֹהֶיךָ לְשַׁמֵּר לַעֲשׂוֹת אֵת כָּל מִצְוֹתָיו וְחֻקֵּיךָ אֲשֶׁר אָנֹכִי מְצַוֶּה הַיּוֹם...וְאִין קִנְיָה: דְּבָרִים כה
 9. לֹא יְהִי לָךְ בְּבִיתְךָ אִיפֹה וְאִיפֹה גְדוּלָה וְקִטְנָה: דְּבָרִים כה, יד

- I responsibility of sellers to maintain honest weights
 - a A wholesaler must clean out his מדות every 30 days, a regular person – every 12 months
 - i Dissent: רשב"ג reverses – every 12 months for a סיטונאי, every 30 days for בעה"ב
 - b Retailer: must clean out his מדות twice a week and his weights (משקלות) once a week
 - c And: he must clean the scales themselves after each sale
 - i דשב"ג: this only applies to sales of liquids (might have stuck to scales)
 - d And: he must compensate by one טפח (weighing down)
 - i If not: he must compensate buyer with 1% if liquid; 5% or .25% (תיקו) if dry goods
 - 1 Source: v. 1 (originally thought to obligate over-weighing; but if that is מה"ת, how does he have the option of this overcompensation? Rather – overcompensating with טפח is based on local custom; if that isn't the custom, he can add 1% etc.)
 - 2 Note: v. 1 teaches that one may not violate local custom in this regard to put exact measure and overpay or to overcompensate weight
 - e Local customs: if the local custom is to use small מדות, must not use large מדות and vice-versa
 - i And: if local custom is to heap, must not even out – and vice-versa
 - 1 Note: v. 1 teaches that one may not violate local custom; he may not even do so with a "self-help compensation" where he will make up the "lost amount"
- II מדרש אגדה vv. 2-8 – importance of maintaining honest weights and grave consequences for violation
 - a מדרש אגדה (רב יהודה מסורא): on v. 8 – if someone is poor, it is due to his use of dishonest weights
- III Supervision
 - a ברייתא: we have inspectors to make sure weights are cleaned out and exact, but not for the market prices
 - i Story: the Patriarchate set up inspectors for both
 - ii שמואל heard and dispatched his student קרנא to publicize ruling that we only have inspectors for weights
 - 1 קרנא went out and publicized the opposite (supporting שמואל); בי נשיאה cursed him
 - 2 קרנא held like יצחק – we need inspectors for both due to רמאין who change market prices artificially