

22.6.2

93b (משנה ב') → 95a (מתחילה דמי)

I 'ב' משנה: percentage of acceptable dross in purchase

a Grain: ¼ קב of "dross" to 1 סאה (1/24)

i א' קטינא he accepts ¼ קב of beans (not dirt)

1 Challenge: ruling of רבה that if someone takes a rock from another's granary – must pay him back with wheat

2 Answer: 1 pebble is acceptable (→ he caused that loss in granary), but 1/24 – only if it is beans

(a) Challenge: סאה ברייתא sets terms: wheat – ¼ קטנית per סאה; barley – ¼ straw per סאה; lentils – ¼ dirt per סאה

(i) Assumption: "dirt" holds for wheat and barley as well

(ii) Rejection: "dirt" only applies to lentils since they are uprooted (not cut, as grain is)

(b) Conclusion: wheat and barley do not allow for dirt as "dross"

(i) Rejection: perhaps this was only needed to teach that lentils only have up to ¼ קב of dirt allowable

ii א' הונא if he sifts (and finds more than ¼) – he gets entire value back

1 Some say: דינא – since he forgoes the ¼ due to טירחא, now that he had to trouble himself, he isn't מוחל

2 Others say: קנסא – since that much dross is unlikely, he must've mixed it in deliberately and loses all

(a) Challenge (to דינא): ruling re: כלאים that if a סאה has ¼ קב of another type – must diminish (but not all of it)

(i) Assumption: ¼ קב in re: כלאים :: more than ¼ קב in re: commerce

1. If so: he doesn't pay back all – just up to ¼

2. Rejection: ¼ in re: כלאים :: 1/4 in re: commerce; we only force him to diminish due to חומרא of כלאים

a. Question: if so, why does ר' יוסי obligate him to rid all of the כלאים

b. Answer: in that case, it appears like he is sustaining כלאים

(b) Challenge (to קנסא): if 2 were מפקיד money with a third; one 100 the other 200 and each claims 200

(i) Ruling: return 100 to each and third 100 "sits" → we are not קונס to lose all

1. Answer: in that case, each certainly owns 100; here, he may have deliberately mixed the whole

2. Challenge: ר' יוסי's dissent (ad loc.), all 300 "sits" –

a. Answer: in that case, there is certainly a liar; here, he may not have mixed it up

(c) support (to א' הונא); a שטר with רבית – may not collect even the קרן (ר"מ) → we are קונס the whole amount

(i) block: in that case, he violated לא תשימון עליו נשך at time of writing שטר; here, perhaps he didn't mix

(ii) Challenge (to קנסא): סיפא – חכמים allow collection of קרן

1. Answer: קרן is certainly of היתר; here, perhaps he mixed the entire batch

(d) Support (to א' הונא): from later ברייתא (next פרק) – if he sells land "approximately" but undersells by more than the acceptable differential (1/24) – must return all of it

(i) Block: in that case, he said "more or less" but once we have more than ¼ קב per כור – that's 9 קבין and is a significant plot; here, the ארובע is still relatively insignificant

(e) Support (to א' הונא): rule of אונאה – if there is exactly 1/6, the מאנה must return the 1/6 (i.e. all)

(i) Block: in that case, he expected exact correlation between payment and goods; but less than 1/6 isn't recognized; here, he assumes a loss of about ¼ קב per סאה

(f) Support: if someone pays to plant a field, he accepts up to 10% of loss (trees that won't grow)

(i) If: the loss was greater, he gets entire amount back → return all (כ' הונא)

(ii) Block: as per ר' הונא בריה דר' יוסי – when someone has to replant in such a case, it is as if they are starting from the beginning

b Figs: 10 wormy figs per 100

c Wine: 10 bad barrels per 100

d Wine jugs in שרון: 10 bad jugs per 100