

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss mixing together different qualities of produce.

2) **Mixing different quality produce together**

A Baraisa elaborates on the restriction against mixing old and new grain together.

Tangentially, R' Elazar teaches that the phrase **באמת אמרו** indicates that the statement that follows is practical halacha.

R' Nachman asserts that it is only during the wine-production season that strong wine may be mixed with mild wine.

Two explanations are presented to explain why, nowadays, strong and mild wines are mixed together even when it is not the wine-production season.

A contradiction in the Mishnah is noted whether it is permitted to pour sediment into wine.

R' Yehudah explains the intent of the Mishnah.

A Baraisa is cited that supports this explanation.

The Gemara presents an incident involving Rava related to the restriction against mixing water into wine.

A Baraisa further elaborates on the restriction against mixing water into wine and this ruling is further explained by Rav.

3) **MISHNAH:** The Mishnah presents numerous practices a storekeeper might do to increase his business and whether these practices are permitted.

4) **Clarifying the Mishnah**

The reason Rabanan permit distributing treats to children is explained.

The reason Rabanan state that one who sells for less than the market price is praiseworthy is explained.

The Gemara identifies Rabanan who do not permit sifting crushed beans.

A Baraisa discusses additional practices employed to make merchandise look more valuable.

Two explanations of the term **משרבטין** are presented.

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REVIEW and Remember

1. What does the phrase **באמת אמרו** indicate?
2. What is the rationale that permits storekeepers to distribute treats to children to increase business?
3. When is it permitted to take actions to enhance the appearance of an item for sale?
4. Why does the Torah mention **נשך** and **תרבית** as separate prohibitions?

Distinctive INSIGHT

Touching up an item which is for sale to mislead the buyer

אין מפרכסין לא את האדם וכו'

The Mishnah rules that it is prohibited for a seller to touch-up the appearance of a person, an animal or a utensil. Rashi explains that the warning is against an owner of a non-Jewish slave which he wishes to sell. The Gemara explains that the problem is where the owner dyes the slave's hair to make him appear younger than he really is in order to trick the buyer into paying a higher price for the slave. The Achronim point out that dying the hair of a slave should be prohibited even without the dishonest intent to mislead a buyer. Dying men's hair is prohibited due to the negative command which prohibits a man from wearing women's clothing. Rambam (Hilchos Avoda Zara 12:10) and Shulchan Aruch (Y.D. 182:6) rule that this law includes the prohibition for a man not to dye his hair to appear younger. Why, then, does the Gemara only consider this behavior problematic in terms of misleading a buyer, and not in and of itself?

שואל ומשיב (1:#210) explains that Rashi specifically chose an example of a person who is selling a non-Jewish slave, as a non-Jewish slave only observes mitzvos which a woman must observe, and a woman is not prohibited from dying her hair. Therefore, a non-Jewish slave is not obligated to obey this restriction, other than in the context of misleading a prospective buyer.

ילקוט ביאורים cites other sources which cite the opinion of Rashba (also cited in Beis Yosef (Y.D. ibid.) that cutting or shaving body hair is only prohibited for a man when his intent is to beautify his body and to appear as a woman. If the intent is for other reasons, for example, for health reasons, a man may cut or shave hair from his body. Therefore, in our case, as well, where the intent is not to have the slave appear as a woman, but merely to appear younger and stronger, there is no violation of the Torah's law not to appear as a woman. Nevertheless, the Mishnah prohibits this behavior when the intent is to mislead and cheat a prospective buyer.

Some question the contention of **שואל ומשיב** that Rashi chose an example of a non-Jewish slave because this type of slave is not included in the prohibition of adorning oneself as a woman. In fact, Rashi himself (60b, **ד"ה זיבנן**) explains that the slave mentioned in our Gemara must be a non-Jewish slave, because the institution of owning Jewish slaves is not applicable in our days, after the destruction of the Beis HaMikdash.

הגהות יעב"ץ explains that overcharging is only relevant when buying and selling a non-Jewish slave, which is owned by its master. A Jewish slave is not owned bodily, and any funds given for his sale are merely tzedakah for his support. ■

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לע"נ מרת רבקה בת ר' שרגא פאטעל ע"ה
 By her children Mr. and Mrs. David Friedman

HALACHAH Highlight

Charging less than the market price

וחכ"א זכור לטוב וכו' מאי טעמא דרבנן

Chachamim say he should be remembered for good. What is the reasoning of Rabanan?

There was once a fellow who lived in a small town who took up the profession of selling liquor. Since employees in this small town were paid less than employees in the larger nearby towns and cities he was able to keep his expenses lower and sold his liquor cheaper than all the other sellers. The nearby sellers complained that his cheap prices were ruining their business and inhibiting their ability to earn a living. His response was that each person has the right to conduct business as he wants and it is not his responsibility that they cannot earn a living. They turned to the author of Teshuvos Divrei Chaim¹ for a halachic ruling on the matter.

The one who authored the question suggested that our Gemara is proof that the new liquor salesman is not permitted to undercut his competition. The Mishnah presents a dispute between R' Yehudah and Chachamim whether one is permitted to lower his prices below the market price. The Gemara questions the rationale of Chachamim who commented that the one who lowers the price should be remembered for good and the Gemara answers that when merchants lower their prices it drives down the price of the wholesalers which is beneficial for all the customers. Since it is the position of Chachamim that the Gemara finds difficult, it seems that when the issue of pressuring the wholesalers to lower their prices does not apply, merchants should not charge less than the market price. Therefore, since in the case of the liquor merchants the issue of the wholesalers did not apply it should be prohibited for a new merchant to come along and charge less than the market price.

STORIES Off the Daf

The gates of tears

"שערי דמעות לא ננעלו..."

The Sar Shalom of Belz, ז"ל, built a famously majestic shul in the city of Belz. When the shul was almost complete people requested permission from the rebbe to make a chanukas habayis. "After all," they insisted, "The only part not yet built is the women's section. That is surely not a reason to hold off on making the celebration."

But to their surprise the Sar Shalom absolutely refused to allow the chanukas habayis until the women's section was com-

plete. "We find in Bava Metzia 60 that ever since the Beis HaMikdash was destroyed the gates of prayer have been sealed. But the gates of tears have not been sealed. So even if we daven here it is not worth too much since our prayers will not ascend through the gate of tears, which is the only path that is still open.

"But it is well known that woman often daven tearfully. So if we lack a woman's section and they have nowhere to daven in our shul, whose tearful davening will elevate all of our prayers on high? Clearly this is not yet a shul until we have a women's section through which all of our prayers will ascend through the gates of tears!"¹

The Imrei Chaim of Vizhnitz, ז"ל,

would say, "We find that although the gates of prayer are sealed, the gates of tears are not sealed. This leads us to realize that when someone davens with such intensity that he actually sheds a tear, this is more efficacious than several fasts!"²

But Rav Simcha Bunim of Peshischa commented, "If tears are so effective, why do we need 'gates of tears' at all?"

He then answered his own question, "There are gates to prevent some fool from crying painfully to Hashem to do what is not fitting. These prayers are rejected, despite their accompanying tears!"³

1. אמרי דבש, ע' קי"ן
2. בטאון ויזניץ, אלול תשס"ה, ע' 6
3. שפתי צדיקים, ע' צ"ז

(Overview...continued from page 1)

The Gemara discusses additional practices.

An incident related to a slave who dyed his hair and beard to look younger is recorded.

הדרן עלך הזהב

5) **MISHNAH:** The Mishnah gives an example of נשך as well as תרביית, both terms used by the Torah in reference to interest.

6) **Clarifying the terms נשך and תרביית**

The Gemara infers from the examples of the Mishnah that Biblically, נשך and תרביית are the same.

This inference is challenged since the term נשך is used in reference to money and תרביית (ribbis) is used in reference to food.

The assumption that נשך and תרביית could apply independently is successfully challenged and Rava concludes that the verse presented them separately so that one should violate two prohibitions.

A Baraisa is cited that demonstrates that נשך and תרביית apply to all forms of ריבית. ■

Divrei Chaim rejected this approach and asserted that the questioner misunderstood the Gemara. The thrust of the Gemara's question, as explained by Rashi², was not why Chachamim permit a merchant to charge less than the market price; rather the emphasis of the question was why they maintain that the merchant should be remembered for good. Why should the community give recognition to a merchant who charges a lower price and addressing that concern the Gemara answered that he should be given recognition since when he lowers the market price the wholesalers are also forced to lower their prices which is beneficial to the overall population. ■

1. שו"ת דברי חיים חו"מ ח"א סי' י"ח.
2. ע' רש"י ד"ה מאי טעמא. ■