



## Time Limit on *Onaah*

In this week's *Mishnayot* we learnt about *onaah*. *Onaah* refers to the prohibition violated when a product is sold at a price, beyond a limit, above or below the standard price. We learnt that if the item is sold for more (or less) than a sixth of the standard price then the sale is null and void. If however the price differs by exactly a sixth, then the sale is valid, but the difference is returned. The *Mishnah* teaches that there is a time limit within which the wronged party can claim *onaah*; that is the time it would take one to show the product to a merchant or relative that understands the market of such products. Considering that the law of *onaah* is biblical, what is the basis for the time limit?

The *Bartenura* explains that if one delays longer than this time period, he has forgone his claim for *onaah*. According to this understanding, there is no clash between the law of *onaah* and the time limit, since after the time limit expires, it is considered as if the wronged part forwent his claim for *onaah*.

The *Sefer HaChinnuch* (337, s.v. *amru*) however writes that having the ability to claim *onaah*, to retract on a sale, indefinitely would complicate matters. Consequently, the *Chachamim* introduced a time limit for interest of commerce. According to this understanding, we find another instance where *Chachamim* can institute overriding *takanot* (decrees) in monetary matters for the greater good.

Is there a practical difference between these two different understandings of the time limit?

To answer this question, we shall ask another. What would be the ruling in a situation where the purchaser experienced a situation beyond his control (*ones*) that prevented him from showing the product to someone, within the time limit. The *Shulchan Aruch* (ChM 237:7) rules that he would still be able to claim *onaah*. The *Tur* derives this position from the *Rosh* who explains that if

the purchaser was lazy and did not show the product to someone, then he has forgone his claim to *onaah*. The *Tur* understands from the *Rosh* that this is only if he was "lazy". If however it was a case of *ones*, the ruling would be different.

The *Haghot Imrei Baruch* however directs our attention to the *Tosfot*. The *Tosfot* (49b, s.v. *bichdei*) asks that the *Mishnah* appears to provide a variable time limit for claiming *onaah*. Sometimes the distance or time to an expert may be longer than others and the *Chachamim* generally do not provided subjective measures within *halacha*. The *Tosfot* therefore suggest that a fixed limit was selected based on the general time it would take to get a professional opinion. The fixed limit is independent of the variables in an individual case. The answer of the *Tosfot* suggests that since the time limit is fixed, the time limit applies even in the case of *ones*. Irrespective of the purchasers circumstances, once the limit expires, *onaah* may no longer claimed.

Once could suggest that one way of explaining the debate regarding *ones* (and whether the time limit is variable) is based on the two ways of understanding the *onaah* above. According to the first understanding, that once the time limit expires it is considered as if the purchaser has forgone his claim, then it makes sense to consider the circumstances of the purchaser as time goes on. In a case of *ones* it follows, that the purchaser still maintains the right to claim *onaah*.

According to the second understanding however, that the time limit was fixed in the interest of commerce, one could understand that the limit was fixed irrespective of individual circumstance. Consequently, the time limit would not be variable and any claim of *ones* would be irrelevant. Therefore, once the time limit expired, then one could no longer claim *onaah* under all circumstances.

*Yisrael Bankier*

## Revision Questions

בבא מציעא ד' א' – ה' ב'

- Complete the following rule and explain providing examples:  
מעות \_\_\_\_\_ קונות את \_\_\_\_\_, ו \_\_\_\_\_ אינן קונות את \_\_\_\_\_
- If someone is purchasing an item with money, from what point is the deal closed? (ד' א')
- What is the *R' Shimon's* opinion regarding the previous question? (ד' ב')
- What is said regarding one that cancels a deal after the money has been handed over? (ד' ב')
- What is the definition of *ona'ah*? (ד' ג')
- What is the time limit as to when *ona'ah* can be claimed? (ד' ג')
- What is *R' Tarfon's* opinion regarding the previous two questions? Was it considered more beneficial to the merchants? (ד' ג')
- Can *ona'ah* also apply to the purchaser? (ד' ד')
- Can a professional trader claim *ona'ah*? (ד' ד')
- What is the law if *ona'ah* has been committed? (ד' ד')
- What are the three opinions regarding the measure of *ona'ah* also applying to coins? (ד' ה')
- What is the time limit on claiming *ona'ah* relating to coins? (ד' ו')
- What are the five laws for which the value of a *prutah* is the minimum value? (ד' ו')
- What are the five cases where one is obligated to add a "fifth"? (ד' ח')
- What are the four things to which *ona'ah* does not apply? (ד' ט')
- For what other three laws are these things unique? (ד' ט')
- What three things does *R' Yehuda* add to the list? (ד' ט')
- Provide two examples of *ona'at devarim*? (ד' י')
- Can a wine seller water down his wine? (ד' י"א)
- Can a grain seller sell grain from multiple sources as one unit? (ד' י"ב)
- What marketing tactic does *R' Yehuda* prohibit? (ד' י"ב)
- Can one fix up an old product and sell it as new? (ד' י"ב)
- What example does the *Mishnah* provide for *neshech*? (ד' א')
- What example does the *Mishnah* provide for *tarbit*? (ד' א')
- Can someone rent out an object at a discounted rate to the person who lent him money? (ד' ב')
- What are *marbin al ha'sachar* and *marbin al ha'mecher* and explain why one of the two is permitted while the other is not? (ד' ב')

## Melbourne, Australia

### Sunday -Thursday

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

### Friday & Shabbat

10 minutes before *Mincha*  
Mizrachi Shul  
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## Efrat, Israel

*Shiur in English*

### Sunday -Thursday

Rabbi Mordechai Scharf  
9:00am  
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## Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 January ז' שבט	14 January ח' שבט	15 January ט' שבט	16 January י' שבט	17 January י"א שבט	18 January י"ב שבט	19 January י"ג שבט
Bava Metzia 5:3-4	Bava Metzia 5:5-6	Bava Metzia 5:7-8	Bava Metzia 5:9-10	Bava Metzia 5:11-6:1	Bava Metzia 6:2-3	Bava Metzia 6:4-5

