



Volume 4. Issue 17

Just Measures Approaching Rosh Hashanah

The two *Mishnayot* (5:10-11) we learn this *erev Rosh Hashanah* discuss the importance of using accurate measuring instruments when selling a product to another by measure. More precisely, the first *Mishnah* sets out the frequency in which a seller must clean their measuring instruments to remove any built up residue that would cause inaccuracy to the detriment of the buyer. Do these *Mishnayot* have any relevance to the imminent *Yom Tov*? Is there a reason why these *Mishnayot* “so happen” to precede *Rosh Hashanah*? Is there something contained in them that can help us focus on the awesome day that we are about to enter?

Kehati's introduction to these *Mishnayot* cites *Rashi*'s commentary on the following *pasuk* (*Vayikra* 19:36) as the source for its ruling:

Just balances, just weights, a just *ephah* and a just *hin* you shall have: I am the L-rd your G-d who took you out of the land of Egypt

Rashi explains that *ephah* and *hin*, refer to instruments that measure the volume of dry products and liquids products respectively.

Interestingly, the *pasuk* that is the source for our *Mishnah* closes with a reference to *Hashem* taking us out of *Egypt*. Granted that the event holds central importance, what relevance does it have to the obligation to have just measures?

Rava (*Bava Metzia* 61b) asks this very question and responds that *Ha Kadosh Baruch* is telling us that He, who differentiated between a “drop” that was first born and one that is not, will punish those that cover their weights in salt (a process which distorts its true weight). Aside from strengthening this harsh warning to observe this *Mitzvah*, is there a deeper connection to the reference of the smiting of the first born?

The *Torat Kohanim* uses harsher terms:

[*Hashem* took us out of *Egypt*] on the condition that we keep the *mitzvah* of [just] measures. Anyone that admits to the *mitzvah* of measures, admits to *Yetziyat Mitzrayim*. Anyone that denies the *mitzvah* of measures, it is as if he denies *Yetziyat Mitzrayim*

Why is there such “weight” given to this *mitzvah*?

The *Torah Temimah* explains the answer is found in the *Midrash* that discusses the plague of the first born. What was the definition of the “first born”? The *Midrash* explains that it was the first born child of the father and not the mother. In other words, if an Egyptian woman secretly had an affair with ten different men and bore ten children each of them the first born to these men, during the plague, all these children would be struck by the plague. This was a secret matter, hidden from the eyes of the public, yet know to *Ha’Kadosh Baruch Hu*. Likewise, explains the *Torah Temimah*, the distortion of measures is matter secret to the transgressor. The *pasuk* is reminding us that it is nevertheless also known to *Ha’Kadosh Baruch Hu*.¹ Anyone who thinks otherwise is grouped with those that deny *Yetziyat Mitzrayim*.

Erev Rosh Hashanah, on the eve of the day of judgement, just prior to the beginning of Ten Days of Repentance the *Mishnayot* are telling us to clean up. Recognise that there is not only work to do on areas that are open and revealed, but also those area that are buried deep down know only to you... and *Ha’Kadosh Baruch Hu*!

David Bankier

¹ See *Gemara Bava Metzia* 61b that lists other *mitzvot* that are also linked to *Yetziyat Mitzrayim* in a similar manner. The way the *Gemara* describes them is that these are also

mitzvot whose transgression can be masked from the outside world.

Revision Questions

בבא בתרא ה' ד' – ו' ג'

- What is debated regarding the sale of two trees? (ה' ד')
- List the three differences according to the *Tana Kama* between whether a person purchase two or three trees in another person's field? (ה' ד')
- In what situation can the sale of a part of an animal include more than the stated part? (ה' ה')
- Regarding the sale of wheat, when can the seller cancel the deal? When can the buyer cancel the deal? When can either cancel the deal? (List one example for each.) (ה' ו')
- In what two ways are large amounts of fruit acquired? (ה' ז')
- In what two methods is flax purchased? (ה' ז')
- During the sale of wine, at what point is the sale finished even in the face of fluctuating prices (and what is the case that the *mishnah* describes)? (ה' ח')
- What is the *sarsur* and when is he responsible? (ה' ח')
- What is the debate regarding a case where a person sent his son, with money, to a shop to purchase a oil? In what case is there agreement? (ה' ט')
- What obligations are placed on a shopkeeper based on the following *pasuk* (ה' י'):

"מאזני צדק אבני צדק איפת צדק והין צדק יהיה לכם" (ויקרא י"ט: ל"ו)
- Regarding the previous question, when does *Rabban Shimon ben Gamliel* maintain that these obligations do not apply? (ה' י"א)
- If a seller measured perfectly, what percentage must he add for dry goods? For liquids? (ה' י"א)
- Can a buyer claim *mekach ta'ut* if he purchased fruit, and using them , was not able to grow fruit? (ה' י"א)
- If someone purchased figs, what percentage of wormy figs is acceptable? (ה' י"ב)
- In what case is the purchase of wine that subsequently became vinegar considered a *mekach ta'ut*? (ה' י"ג)
- What is debated regarding the purchase of land to build a "house"? (ה' י"ד)
- What restrictions are placed on one that owns a well in the property of another person? (ה' י"ה)
- What other case is similar to the one in the previous question? (ה' י"ו)
- When do these restriction not apply in this case? (ה' י"ו)

Local Shiurim

Sunday -Thursday
Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat
10 minutes before mincha
Mizrachi Shul

Audio Shiurim on-line!

- 613.org/mishnah.html
- www.shemayisrael.com/mishna/



Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
16 th September ד' תשרי	17 th September ה' תשרי	18 th September ו' תשרי	19 th September ז' תשרי	20 th September ח' תשרי	21 st September ט' תשרי	22 nd September י' תשרי יום כיפור
Bava Batra 6:6-7	Bava Batra 7:1-2	Bava Batra 7:3-4	Bava Batra 8:1-2	Bava Batra 8:3-4	Bava Batra 8:5-6	Bava Batra 8:7-8

