

# The Weekly Daf



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Bava Metzia 51-57

Week of 4 - 10 Elul 5754 / 11 - 17 August 1994

Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied as part of Daf Yomi during the above dates

This issue is dedicated in the memory of Mr. Isadore Kaplan O.B.M.

לע"נ ר' ישראל אייזיק ב"ר שבנא הכהן קפנך ז"ל

## Charge And SUPERcharge

### The Case:

A man was selling some of his household ornaments whose market value was five zuz but he asked for six. An interested buyer was aware that he could bargain him down to five and a half. But this would leave him overcharged by only half a zuz, a mere tenth of the market value. When one overpays less than a fifth of the value he is considered as having forgiven the overcharge and cannot claim it back from the seller. He therefore agreed to pay him the six he asked for so that the overcharge would be a fifth and he would be able to sue him for this amount.

### The Ruling:

When the buyer subsequently sued the seller for the overcharged zuz in the court of the Sage Rava he was disappointed to learn that he had no case.

### The Reason:

The claim for recovering an overcharge applies only to the sale made by a merchant who is assumed to be selling at market price. But a person who sells his household possessions to which he has a sentimental attachment it is assumed by all that he does so only if he gets more than the market price. It is therefore considered as if he explicitly warned the buyer that he is overcharging him and selling only on the condition that the buyer waives any claim against him.

Bava Metzia 51a

## When It Pays To Overpay

**“Overpay to clothe yourself but only pay market value for your food.”**

This folk wisdom is invoked by the Sage Abaye as a rationale for the position of Rabbi Meir that when one overpays less than a fifth for a garment he is considered as having forgiven the overcharge while if he accepted a coin at its declared value and it turned out to be worth even one twenty-fourth less than this value he may claim the difference. This is a reiteration of an oft-stated Talmudic concept about the importance of preserving human dignity through proper attire.

Bava Metzia 52a

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