



Volume 10. Issue 9

## Mi Shepara

The *Mishnah* (4:2) teaches:

How [does *meshicha* acquire]? If [the buyer] took the produce [but] had not give the money, he cannot go back [on the purchase]. If [the buyer] gave the money [but] had not taken the produce, he can go back [on the sale]. But the sages stated He who was exacted punishment on the generation of the flood and the generation of the dispersion will in future punish those that do not stand by their word.

The *Mishnah* mentions that the *Chachamim* instituted a form of curse on those that revert on a sale after handing over the money. The “*mi shepara*” is associated with the punishments delivered to the generation of the flood and the generation of the dispersion (related to the Tower of *Bavel*). The *Beraita* extends the *mi shepara* adding the associations with the people of *Sedom* and *Amora* and the Egyptians that drowned in the *Yam Suf*.

There is a debate in the *Gemara* regarding the *mi shepara*. *Abaye* holds that *Beit Din* simple warns the person that renegeing on the sale may in future have dire consequences. *Rava* however states that the *Beit Din* deliver the curse. *Abaye* points to the prohibition of cursing anyone in *Am Yisrael* (*Shemot* 22:27) in support of his position. *Rava* however rejects it as the *pasuk* restricts it to those people that are “*amcha*” – people that behave in the manner of our nation, unlike this person that wished to revert after the money was paid. The *Ritva* explains that *Abaye* does not disagree with *Rava*’s understanding of the *pasuk*, nevertheless since the person may have backed out for monetary

reasons or because he simple did not need it, he should not be excluded from *amcha*.

How are we to understand the *mi shepara*’s association with these four groups of people that were punished? The *Tifferet Yisrael* explains that there are four reasons why people sin; they are represented by these four groups. The first is desire to satisfy physical or material desires. Even though the generation of the flood was ultimately punished for their thievery, they were a generation that was consumed by the pursuit of physical pleasures. The *Torah* highlights not just thievery but they pursuit of woman, etc.

The second reason for sin is the pursuit of honour. “Let us make for ourselves a name” was the battle cry of the generation of the dispersion. The third is the insatiable appetite for money. The people of *Sedom* were famous for guarding their wealth and being in opposition to helping those in need. The final reason is the denial of *Hashem*’s providence. This was the sin of *Paro* how said “who is *Hashem*?” and persisted in his sin. He believed that there was no ultimate Overseer and that man-kind was like fish in a trap where the strong dominate the weak and the fittest survives.

These four groups broke down their society and were punished in kind. Similarly a person who does not keep his word, motivated by one of these four reasons, breeds distrust and create fractures in society. Therefore the curse, his actions motivated by one of these four reasons, is associated with these four groups.

*Yisrael Yitzchak Bankier*

**Revision Questions**

בבא מציעא ג' ה' ד' ו'

- What is the law if two people entrusted utensils with a third party, one worth \$100 and the other \$200, and each claim they were the one that entrusted the one worth \$200? (ג:ה)
- Explain the debate regarding what one should do if they were entrusted with fruit and the fruit began to spoil. (ו:ג)
- What should one do if they were entrusted with fruit and it got mixed with he own personal store? (ז:ג)
- Regarding the previous question, what if he was entrusted with wine? (ח:ג)
- If someone entrusted with an object moved it and while moving it, it broke, when is he obligated to pay back the owner? (ט:ג)
- Regarding the previous question, in what situation is he always obligated to pay the owner irrespective of his intentions? (י:ג)
- What are the three examples the *Mishnah* gives where the custodian of a collateral did not provide enough protection for the collateral and is therefore responsible if the item was stolen? (יא:ג)
- When can a money changer entrusted with money, use the money? (יב:א)
- What is a ramification of the previous law? (יב:א)
- Regarding the previous questions, what if the money was entrusted with a *ba'al ha'bayit*? (יב:א)
- Which person is debated whether he has the status of a moneychanger or a *ba'al ha'bayit*? (יב:א)
- If someone entrusted with a collateral, uses it for his own purposes, what are the three opinions regarding how much he must pay back the owner? (יב:ב)
- What are the two opinions regarding the point in time after which a person entrusted with an item is considered a *gazlan*? (יב: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? (יד:א)
- What is the *R' Shimon's* opinion regarding the previous question? (יד:ב)
- What is said regarding one that cancels a deal after the money has been handed over? (יד:ב)
- What is the definition of *ona'ah*? (יד:ג)
- What is the time limit as to when *ona'ah* can be claimed? (יד:ג)
- What is *R' Tarfon's* opinion regarding the previous two questions? Was it considered more beneficial to the merchants? (יד:ג)
- Can *ona'ah* also apply to the purchaser? (יד:ד)
- Can a professional trader claim *ona'ah*? (יד:ד)
- What is the law if *ona'ah* has been committed? (יד:ד)
- What are the three opinions regarding the measure of *ona'ah* also applying to coins? (יד:ה)
- What is the time limit on claiming *ona'ah* relating to coins? (יד:ו)

**Local Shiurim**

**Melbourne, Australia**

**Sunday -Thursday**  
 10 minutes before *Mincha*  
Mizrachi Shul  
 Melbourne, Australia

**Friday & Shabbat**  
 10 minutes before *Mincha*  
Beit Ha'Roeh  
 Melbourne, Australia

**Efrat, Israel**  
*Shiur in English*

**Sunday -Thursday**  
 Rabbi Mordechai Scharf  
 9:00am  
Kollel Magen Avraham  
 Reemon Neighbourhood

**ONLINE SHIURIM**

*Rabbi Chaim Brown*  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*  
[613.org/mishnah.html](http://613.org/mishnah.html)

*Rabbi E. Kornfeld*  
*Rabbi C. Brown*  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

**SHIUR ON KOL HALOSHON**

*Rabbi Moshe Meir Weiss*  
 In US dial: 718 906 6400  
 Then select: 1 – 2 – 4

**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
14 <sup>th</sup> April ד' אייר	15 <sup>th</sup> April ה' אייר	16 <sup>th</sup> April ו' אייר	17 <sup>th</sup> April ז' אייר	18 <sup>th</sup> April ח' אייר	19 <sup>th</sup> April ט' אייר	20 <sup>th</sup> April י' אייר
Bava Metzia 4:7-8	Bava Metzia 4:9-10	Bava Metzia 4:11-12	Bava Metzia 5:1-2	Bava Metzia 5:3-4	Bava Metzia 5:5-6	Bava Metzia 5:7-8

