A. Glatt

(1)

(בס"ד)

ענין תגרי לוד (ב"מ מט: - נ:)

אא"ב פחות משתות לרגנן בכדי שיכאה: understand why "חזרו" - disadvantage by ר"ל.

חכמים	רבי טרפון
(תגרי לוד) advantage: refund-שיכאה כדי; then מוחל	void only if $\geq 1/3$
disadvantage: $1/3 - 1/6$ void	all day must refund up to $1/3$

however, if we say

פחות משתות לרגנן לאלתר: why would תגרי לוד be חוזר?

ר"ל offers no real disadvantage. How?

advantage: Both מוחל immediately (חכמים → $< 1/6$; ר"ל → $< 1/3$)

disadvantage: greater by חכמים → $1/6 - 1/3$ must be refunded/returned; by ר"ל only $> 1/3$ void.

(and even if $> 1/3$ void "forever" → unlikely occurence, so not disadvantage versus חכמים where $1/6 - 1/3$ is only void עד כדי שיכאה).

Thus: must answer if hold "לאלתר" that "$1/3$" $\neq$ "$1/6$".

Actually חכמים "$1/6$" = ר"ל "$1/6 - 1/3$"; i.e. according to חכמים, the לוקח has all the options if overcharged $1/6$; according to ר"ל, same דין by $1/6 - 1/3$. (But according to both, $< 1/6$ is מחול לאלתר.) So original advantage was to ר"ל opinion but when found out about "all day" (vs כדי שיכאה) advantage returns to חכמים, since prefer to have $\geq 1/6$ void possibly but just כדי שיכאה וזו rather than $1/6 - 1/3$ possibly refunded all day. (even though if day goes by they gain more potentially).

If this is correct, then can prove there is no time limit on "voiding" a deal (i.e. if overcharged $> 1/6$ (חכמים) or $> 1/3$ (ר"ל), no limit to when "voiding" deal can be done.)

How?

Originally, advantage ר"ל since $1/6 - 1/3$ not able to be voided forever (since this is now a case of אונאה (i.e. = to $1/6$ of חכמים → לוקח has all options, but time limited, עד כדי שיכאה) whereas to חכמים could be voided forever as it is $> 1/6$. But....

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