

**CHASSIDUS BEIS MEDRASH**

This past Sunday, we as a community achieved something very special.

Members of Anash, young and old, from across the spectrum of our Minyanim came together to learn Chassidus.

The 38 Maamarim of the Rebbe on Lag Baomer and Sefiras Haomer were divided up between the over 130 participants who studied BeChavrusa.

The atmosphere was electric and by the end there was standing room only.

The night was enhanced with a buffet of sushi and hot wedges and a raffle for 2 sets of the Rebbe's Maamarim.

A big Yasher Koach to Josh Goldhirsch for spear-heading this initiative.

PRE-SHAVUOS MELAVE MALKA LEARNING EVENING

All men and women are invited to our annual Pre-Shavuos Melave Malka learning evening.

Enjoy a delicious buffet and hear words of Torah and inspiration from the Kollel Rabbis.

Motzai Shabbos Parshas Bechukosai, 8:00pm in the Goldhirsch Hall. See notices for more details.

TIKKUN LEIL SHAVUOS

Stay tuned for details of our all-night learning program.

A collection of Torah thoughts produced by Kollel Menachem



Anash community Chassidus Beis Medrash

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The power of a Hachlata (resolution)

In the laws of transactions, the halacha is that a person is not able to transfer ownership of something that has not yet come into existence. This applies to gifts and sales alike. An example of this would be selling the fruits that my tree will grow. Such a sale will not be valid and has no obligation to act upon it.

The above only applies in mundane transactions.

When one transfers ownership to be consecrated to the Beis Hamikdash (Hekdesh) or as a pledge to Tzedaka, the laws are different in relation to something that has not yet come into existence. If one says that all of the fruits that their tree produces should be given to the poor, they are obligated to keep their word.

Even in this case no actual transaction has been affected. However, the pledge to Hekdesh or to Tzedaka becomes a binding oath that must be fulfilled when the fruits do come into existence.

Our sages teach that "I was created to serve my Creator". The word used to describe Hashem is קוֹנֵי. Literally this means "the One Who acquires me". Serving Hashem is about making ourselves and lives acquired to Him by dedicating ourselves to Him.

Like the tree, we too have a *Guf* (body) and *Peiros* (produce). The body refers to our being; who we are - our body and soul. This includes our inner spiritual working of intellect and emotion and the capacity to express these in thought speech and action.

Our 'fruits' refers to the specific deeds that we do, either in thought, speech or action.

Kinyan Haguf means that we give ourselves over to Hashem completely, to the core of our very being. Not only our actions, but even our intellect and emotions, urges and impulses, are completely dedicated exclusively to Hashem. This is the Avodah that has been achieved by the Tzaddik, who has transferred their very being to be a possession of Hashem.

For those of us who still struggle with a Yetzer Hara, our Avodah is one of Kinyan Peiros. Even though we cannot vanquish our Yetzer Hara and transfer our being to Hashem, we are in control of our actions and behaviours. We can affect Kinyan Hapeiros.

This applies to the good deeds that we have already accomplished and given to Hashem. But what about the future?

The halacha that a person is not able to transfer ownership of fruits that have not yet come into existence teaches us that we cannot dedicate our future deeds with certainty that they will only for Hashem. We do not know what tomorrow will bring. Today I may be able to withstand my Yetzer Hara, but how can I be sure that I will be able to maintain this in the future?

This is where we come to the distinction between mundane transaction and pledges to Hekdesh.

The mundane aspects of our lives; our businesses, and other worldly affairs, are more connected to our physical body and animalistic side. The Torah requires us engage in these activities *Lshem Shamayim*, thereby dedicating these 'fruits' to Hashem.

Since these are activities of our physical side that our Neshama is trying to influence, any pledges and resolutions have no guaranteed outcome, as they are not entirely in the hands of our Neshama to fulfil and dedicate to Hashem.

In contrast, Torah and Mitzvos are innately holy. These aspects of our life are fruits that belong to the jurisdiction of our Neshama. The Neshama wants to fulfil them and dedicate them to Hashem and making a Hachlota will be affective.

Making a resolution for our future actions and fulfilment of Torah and Mitzvos is not transferring mundane 'Peiros', rather it is like making a pledge to Hekdesh, where a pledge can take affect even in relation to as-of-yet non-existent 'fruits'.

Even then, it is still possible that the Yetzer Hara may interfere and obstruct. Therefore even these future 'Peiros' cannot be 'transferred' just by making the Hachlata. i.e. Making the resolution cannot guarantee its that it will be fulfilled.

However, since it is within the Neshama's ability to achieve, the Hachlata can bind us to fulfil our word, to dedicate the future opportunities of Torah and Mitzvos when they arise in the future.

In this case, the Hachlata not only obligates us, but strengthens our commitment. The Hachlata gives us deeper strength, so that when the opportunity to fulfil the Mitzvah comes, if the Yetzer Hara does try to interfere, we have additional strength to overcome it and dedicate the 'fruits' of another Mitzvah to Hashem.

Browsing with no intention to buy

Rabbi Yonason Johnson

Two types of Onaah

In Parshas Behar we learn about two types of forbidden behaviours that are hurtful to others. One is *Onaas Mammon* - wronging another by overcharging or underpaying. The second type is *Onaas Devorim* - wronging or aggrieving another person through our speech. This includes embarrassing, misleading, insulting or upsetting others through our words.

The prohibition against *Onaas Mammon* is found in the Posuk וְכִי־תִמְכְּרוּ מִמְכָּר לְעֵמִיתְךָ אֹךְ אֶל קִנְיָה מִיַּד עֵמִיתְךָ אֶל־תִּוְנֶה אִישׁ אֶת־אֶחָיו “When you sell property to your neighbour, or buy any from your neighbour, you shall not wrong one another”¹. Rashi, quotes the Gemara² that this Posuk refers to *Onaas Devorim* as suggested by its context; “When you sell...”

Three Pesukim later, the Torah says; וְלֹא תוֹנוּ אִישׁ אֶת־עֵמִיתוֹ וַיִּרְאֵת מְאֹלֶהֶיךָ כִּי אֶלְקִיכֶם אֲנִי ה' אֱלֹקֵיכֶם אֲנִי ה' אֱלֹקֵיכֶם and you shall fear Hashem, because I am Hashem your G-d.”³

The severity of Onaas Devorim

Onaas Devorim is considered worse than *Onaas Mammon*. Whereas an overcharged amount can be repaid and an overpayment can be reimbursed, the effects of hurtful words cannot be recompensed. Further, whereas *Onaas Mammon* affects a person financially, *Onaas Devorim* affects them personally⁴. Rabbi Yochanan teaches in the name of Rabbi Shimon bar Yochai, that this is evidenced by the fact that the Torah teaches “You shall fear Hashem” only in the Mitzvah of *Onaas Devorim* and not *Onaas Mammon*.

For *Onaas Devorim*, the Torah specifies “You shall fear Hashem”. This is because a person may deny their wrongdoing by saying that they did not have bad intentions. Since this is a matter of personal conscience, the Torah warns us that we should fear Hashem who knows what is in a person’s heart⁵.

The Shulchan Aruch⁶ adds that is the one who is wronged cries out to Hashem, they are answered immediately (with the punishment of the perpetrator).

The Gemara⁷ teaches that whilst all gates of prayer can be closed, the gates of *Onaah* i.e. the prayers of those who are verbally mistreated, are always open. Unlike other Averoios where Hashem punishes via agents (Shluchim), for *Onaas Devorim*, Hashem himself punishes the perpetrator.

Enquiring with no intention to buy

The Mishna⁸ records examples of speech or conduct which violates the Torah prohibition of *Onaas Devorim*. These laws are codified as Halacha in Shulchan Aruch Choshen Mishpat Simon 228.

The first example in the Mishna is that one may not ask a merchant how much an item costs when they have no intention of buying it. This is brought as Halacha in Shulchan Aruch⁹. The Alter Rebbe adds that the same applies if one does not have the money to buy it¹⁰.

Sefer Hachinuch explains that this seemingly insignificant issue highlights the great lengths that the Torah goes to be sensitive to others’ feelings¹¹.

The Rishonim offer various reasons why this behaviour is forbidden.

Meiri explains that it could cause the merchant financial loss. The browser, feeling uncomfortable to say that he has no intention of buying, will claim that his reluctance is because the price is too high. The merchant will lower the price as a result and be deprived of his income from other customers who would have paid the higher price.

Meiri offers an alternate explanation. The browser gets the storekeeper’s hopes up of making a sale. When he does not follow through with the purchase, the dashed hopes will cause pain to the storekeeper.

Rashbam¹² suggests that it may cause the storekeeper to lose customers. Potential customers will not want to purchase the product (if it is an only product), since they presume that the browser is planning to buy it (if someone is already in discussion to purchase something, another person is forbidden to try to acquire it for themselves).

Even when there are multiple products available, the browser is taking away the storekeeper from other genuine customers who may leave or not enter the store because they see that the storekeeper is busy.

Ritva writes that when the store-keeper realises that the browser had no interest in buying and was just messing him around, he will be aggrieved. This explanation is brought in the Alter Rebbe’s Shulchan Aruch. The Raava’d says that this is a form of *Gneivas Daas*. It can also be considered a form of stealing time.

Sefer Chassidim¹³ writes that the opposite is true as well. One may not advertise or pretend to be selling something when in fact there is no real intention to sell.

Onaas Devorim is also violated when the enquiries are made over the Telephone or email.

An example of this type of *Onaas Devorim* would be asking questions to a real-estate agent at an open-house when there is no real intention to buy and one is just checking the “value of the market”.

When is it permissible?

If one explains at the outset that they are not planning on buying, the *issur* will not apply (one may still not take up the storekeeper’s time or take their attention away from other customers).

Some Poskim say that if one is asking a salesperson and not the store owner there is no problem, since the sales person is not affected if no purchase is made and does not get their hopes up. However, if they are being paid on commission or if you will be taking them away from other customers it remains forbidden.

If one is genuinely interested or may consider buying the product one may make enquiries about the product and pricing and shop around at multiple stores, even though they may not end up buying at all.

If it is the nature of the particular type of business and it is therefore expected that browsers can ask questions “out of interest”. The same applies if the proprietor genuinely does not mind being asked even if there is no intention to purchase.

Browsing

Entering a store to browse may raise the hopes of the storekeeper and may itself be problematic. This will generally only apply in small stores where each customer who enters will be noticed. In this case, one should declare that they are just browsing. In larger stores one may browse. However they should not occupy the sales staff if they do not intend to buy. Browsing online will always be permissible.

1. Vaykira 25:14
2. Bava Metzia 58b
3. Vayikra 25:17
4. Bava Metzia 58b
5. Bava Metzia 58b quoted by Rashi on Chumash.
6. Choshem Mishpat 228:1. Also quoted in Shulchan Aruch Harav Hilchos Onaah 27. Based on BM 59a
7. Bava Metzia 59a
8. Bava Metzia 58b
9. CM 228:4
10. Hilchos Onaah. Based on Pesachim 112b
11. This is alluded to by the Alter Rebbe who records this Halacha and then continues “and it need not be said that one should not tease”
12. Pesachim 112b
13. Siman 311