



THE SUNDAY NIGHT FEATURE SHIUR

Each Sunday night, join us as a different presenter delivers a full-length topical shiur, exploring current and classic topics of interest.

This week: Sunday 8:30pm

Post-Corona Halachos

What Halachos are going to be relevant as we emerge from social isolation back to Shule and back into the world?

With Rabbi M. Stern

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SHAALOS UTESHUVOS

Join us Sunday morning for the Shaalos Uteshuvos Shiur.

Making up Krias Hatorah for missed Parshios.

Sunday 10:00am with Rabbi Y. Johnson on Zoom. See our website for full details.

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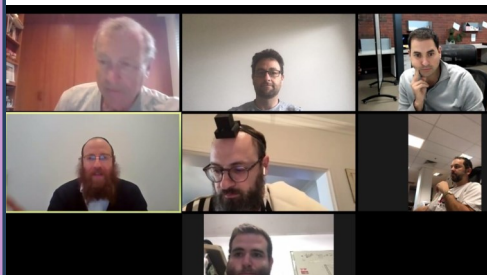
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A collection of Torah
thoughts produced by
Kollel Menachem

אין בית המדרש בלא
חידוש Chiddush



1 family, 3 countries, learning the teachings of their forebear

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COVID-19 and Rashbi - leaving our caves

This past Lag Baomer, as we all celebrated in our own backyards, the following thought came to me as we sat by the fire and discussed the story of the 13 years that Rabbi Shimon bar Yochai spent hiding in his cave.

Rabbi Yehuda praised the Romans for 3 things that they did for the benefit of the local Jewish population; building bathhouses, establishing marketplaces and building bridges. Rabbi Shimon argued that they only built these things for their own benefit; marketplaces for immoral activities, bathhouses for their own indulgence and bridges to collect taxes.

When the Roman authorities heard of Rabbi Shimon's criticism, he and his son were forced to run away. They hid in a cave for 12 years until Eliyahu Hanovi tells them that it is safe to emerge.

They had spent 12 years in the cave, immersed in prayer and Torah study at the highest and deepest of levels, completely isolated from others. They did not suffer the worries of the world and had no involvements in physicality.

As a result, they had become so holy that they could not tolerate seeing simple Jews working the field instead of learning Torah. Wherever they set their sights, the fields would be consumed by fire.

A heavenly voice rebuked them "have you come out to destroy My world? go back to your cave!" They returned to their cave for another 12 months, emerging once again after a total of 13 years.

Whilst Rabbi Elozor was still fiery with zealotry, Rabbi Shimon no longer burned inside. He made peace with the fact that not everyone could be like him and his son. He recognised that the simple Jewish people were good, sincere and G-d fearing. He was no longer judgemental and critical and was able to focus on their goodness.

On his return Rabbi Shimon reasoned "because a miracle has been wrought for me, let me go and repair something." The Gemara says that he learned this from Yaakov Avinu. After having been miraculously saved from Eisav, Yaakov went to do something of benefit for the city and inhabitants of Shchem.

Some say that he minted a coin for them, others say that he established marketplaces and a third opinion says that he built bathhouses for them

Note that these are connected to the 3 things that Rabbi Shimon had criticised the Romans for (the minted coins corresponds to the collection of taxes). But whereas they had done so for their own benefit, Yaakov was completely altruistic, devoting his time and energy to benefit others, even where he would have no benefit himself.

And this is what Rashbi did. He asked what he could do to fix something for the people of the town. They told him that there were unidentified graves somewhere along the main road. As a result, the Kohanim were inconvenienced, having to walk around. Rabbi Shimon bar Yochai set about rectifying this situation, to ease the burden on these Kohanim.

We, like Rabbi Shimon, have been in self-isolation in the caves of our own homes. With the easing of restrictions, we are starting to emerge. But we cannot come out of our caves the same as we went into them. An experience such as this, is supposed to provoke us to introspect and come out as better people.

Even though our confinement has only been for a couple of months, we can still take a lesson from Rabbi Shimon on what aspect of our lives this is supposed to impact.

Rabbi Shimon could not leave his cave for good until he had internalised the lesson of tolerance, love and compassion for a fellow Jew. He needed to realise that more important than one's personal spiritual service and level, is the need to connect with others and to better the world and lives around us.

When we emerge, excited to go back to our Minyanim and shiurim with religious zeal and passion, we also need to come out more sensitised to the needs and feelings of others. We need to be less critical and fault-finding and actively look to see the good in everyone. We need to value our interactions with every person that we meet.

We also need to become more active in our contributions to the benefit of our community and to bettering the lives of those around us. To be willing to 'put ourselves out' to do a favour for someone else.

If every person in the world will leave their caves with the mindset of Rabbi Shimon, imagine what a world it will be. A Messianic world that is deserving of Moshiach.

The weekly Halacha analysis

Browsing when you have 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 מִמְכָּרְ לַעֲמִיתְךָ אֹרְזָה מִיַּד עַמִּיתְךָ אֶל־תּוֹנוּ 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־עַמִּיתוֹ וְיִרְאַתַּם מֵאֱלֹהֵיךָ כִּי אֶלְקֵיכֶם אֲנִי ה' "Do not wrong one another 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 *Onaas* i.e. the prayers of those who are verbally mistreated, are always open. Unlike other Aveiros 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 Mishpot 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