

# א ביסל תורה!

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## כל ישראל ערבים זה לזה - שמיטה

By Roe Weglein

As many of us know, שמיטה is a very important part of Jewish life and culture. One important purpose of שמיטה is an ecological one. Allowing the ground to 'rest' after seven years really does allow the soil to regain nutrients and provide healthier and more bountiful crops later on. However, another purpose of the tradition also falls in line with the classic Jewish value of **כל ישראל ערבים זה לזה**, that every member of the Jewish people is equal to the other, שמיטה allows for the community to help and provide assistance to those in need. It also allows the needy to access the food they need without embarrassing themselves.

In פרשה ויקרא (כה:ו), we learn that all produce that comes to fruition during the שמיטה year may be eaten. However, it is interesting to note that a certain stipulation is included in the פסוק. The פסוק specifically mentions that "וְלַעֲבָדְךָ וְלָאִמָּתְךָ וְלִשְׁכִּירְךָ וְלַתּוֹשֵׁבְךָ הַגֵּרִים עִמָּךְ" "your male and female slaves, the hired and bound laborers who live with you" may also eat from the aforementioned produce. This interesting point was also noticed by the אור החיים. He teaches that they were specifically included to stress the importance of making sure the poor and vulnerable have equal access to food available during the שמיטה year. His explanation shows how שמיטה is a tradition rooted in compassion and empathy allowing those who need help to get the help they need.

This Jewish idea of compassion also shows up in הלכה. The תלמוד ירושלמי, in מסכת שביעית, brings a case regarding a loan during the שמיטה year. An interesting point made is that for one who owns real-estate/property, they are still required to pay the loan and the loan is not remitted. On the other hand, someone who does not own real-estate/property (someone who is likely poor and needs help), is not required to pay the loan and the loan is remitted. This example of loan cancellation demonstrates how Judaism protects those in need from falling into a cycle of debt and destitution.

All in all, the ethics that are interpreted from שמיטה show how Judaism, as a religion, has at its core a doctrine of communal help. Those in need are taken care of year-round and when the שמיטה year comes around, which can often hurt the poor, they are adequately taken care of and helped to prevent any shortcomings.

Editors: Binyamin Orkaby and Ephraim Fischer  
Faculty Advisor: Rabbi Jaffe



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# The Morals of a Sale

By Ephraim Fischer

In the first of this week's פרשיות, בהר, we learn the laws of business transactions, specifically the morality we must keep throughout sale and purchase. In these laws, we have the פסוק of "וְכִי-תִמְכְּרוּ מִמֶּכַר לְעַמִּיתְךָ אֹו קָנָה מֵיַד" of פסוק, that if you buy or sell something, there is the prohibition of "אֶל-תּוֹנוּ אִישׁ אֶת-אֶחָיו", that you shall not wrong one another. However, just a few פסוקים later, it mentions "וְלֹא תוֹנוּ אִישׁ אֶת-עַמִּיתוֹ", that a Jew should not wrong his own nation, again! Why do we need to mention the same prohibition twice?

One predominant opinion is that there are two different kinds of אונאה with sale: אונאת ממון and אונאת דברים. The first mention of אֶל תּוֹנוּ is referring to אונאת ממון, that you shall not wrong someone with money. This mainly includes the prohibition of overcharging somebody for an item. The פסוקים then go on to describe that you must adjust your land prices according to the יובל cycle, and you must charge less as you approach the year of יובל, as the buyer will have the land for less time. The משנה in (נ"ה א') sets a specific criteria for אונאה with regards to money, stating that you can't mark up the price of anything you sell by over one sixth.

The פסוק also stated that if you buy something, you may also not commit אונאת ממון. How does a buyer even do this? ספורנו explains this to mean that not only can the seller not cheat the buyer, but the buyer must also not cheat the seller. If the seller does not know the true value of an item, the buyer cannot buy it for a significantly less amount than its true value. This goes to show that in Judaism, a sale must be reciprocal, with the buyer and the seller both knowing the true value of what they're buying. All of our possessions are truly owned by ה', so we must sell it for its true worth.

The next form of אונאה is אונאת דברים, wronging somebody with words. This could include misrepresenting your product and making it seem better than it actually is. While the תרגום יונתן translates this to mean that you can't overcharge somebody by using harsh words, other commentators take this to an even larger extent. ספורנו states that in a sale, even if you mistreat your customer or hurt him in any way that can't be represented by money, it is considered אונאת דברים. By a sale, one must treat his customers as human beings, not just people who are buying their wares. The תורה is encouraging a friendly relationship between buyer and seller rather than the seller just trying to get the buyer to pay less.

While this makes sense for אונאת דברים on the side of the seller, we must recall that אונאה applies to both the buyer and the seller. In this case, how can אונאת דברים apply to the buyer? One approach to this issue is that of the משנה in (נ"ח ב') בבא מציעא. This משנה states that someone can't ask a seller how much a product costs if he isn't interested in buying the product. However, in my opinion, this isn't the only type of אונאת דברים with regard to buyers.

The גמרא in (כ"ה ב') brings down two categories of people who are פסול לעדות, invalid for testimony. The גמרא states, "תנא הוסיפו עליהן הגזלין והחמסנין", it was taught that thieves and "חמסנין" are both פסול לעדות. The term חמסנין is understood as somebody who buys a product and pays a fair price for it, but it's a product which the owner doesn't want to sell. The חמסן seems like a prime example of one who violated the prohibition of אונאת דברים. They are coercing their fellow into selling them a product which the owner doesn't want to sell, despite paying the owner a fair price. The גמרא even equates them to a thief! Therefore, by a buyer, אונאת דברים applies if a buyer misleads a seller by pretending to be interested in an item, or if they coerce the seller into selling them something which is not for sale.

Both of the prohibitions against these types of אונאה, אונאת ממון and אונאת דברים show us that all property truly belongs to ה'. To cause each other pain with it would be a complete misuse of what ה' has given us in this world. These prohibitions show us that we must treat each other fairly, and not put each other down for our own benefits.